

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
February 13, 2017**

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

Absent: Mayor Hruby

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 process of appeal.

APPEAL 2017-03

Matt & Jennifer Trivelli for a variance from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate for a new single family dwelling located at 6954 Daisy Avenue, PP# 601-34-036.

Mr. and Mrs. Trivelli spoke to the Board regarding their appeal. Their hardship is that no one else has sidewalks on their street.

Mr. Rose explained to Mr. and Mrs. Trivelli, that if or when the City deems appropriate that sidewalks be installed on the street, they will have to install them at that time. Mr. and Mrs. Trivelli agreed that they would. Mr. Trivelli stated that they spoke with the majority of the neighbors that were notified and no one had an objection.

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

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

MOTION CARRIED

APPEAL 2017-04

Christopher Lobas & Assc, Architects for Waleed Hatem for (1) a variance from Section 1119.09(b) of 12.75 ft. from the maximum width of 20 ft. to allow 32.75 for a driveway, and (2) a variance from Section 1151.24 of 35 ft. from the minimum required 60 ft. to allow a 25 ft. front yard setback for a new single family dwelling located at 9650 Davidson Drive, PP# 603-21-023.

Mr. Lobas and Mr. Hatem spoke to the Board regarding Mr. Hatem's appeal. Mr. Lobas explained that the street going to the east ends, and the actual street to the west is quite narrow. He stated that there are various staggered setbacks between all four properties. They would like to remove the present house because it is not habitable in its current form and replace it with another one, and in doing so, they would like some freedom on the site to place it closer to the street. He explained that what they are presenting now was a porch that originally was on the north east corner, but now in their design progression, it will be moved to the other side.

Mr. Rose asked Mr. Synek if the 60 ft. setback was indicated on the drawing, and also asked for confirmation that the existing house was not within the setback. Mr. Synek stated that there was not an indication on the drawings of the 60 ft. setback, and the current house was not code compliant. Mr. Lobas stated that he did not mark the 60 ft. setback on the drawing.

Mr. Hall asked Mr. Lobas if the proposed house will be closer to the street than the existing house. Mr. Lobas stated that was correct.

Mr. Rose asked Mr. Lobas what that difference was. Mr. Lobas stated that it was 25 ft. to the porch and 27 ft. to the balance of the house. Mr. Lobas stated that the existing house was approximately 30 ft. from the street. Mr. Rose stated that the house next to it away from Brecksville Road looks as though it is lined up with this house. He asked Mr. Synek if that was correct, and if he knew the dimension. Mrs. Veras answered that the dimension was 28.75 ft. Mr. Rose confirmed that he was asking for 25 ft. Mr. Lobas explained that the porch moved to the other side and is at 23 ft, the balance of the house is 27 ft. He submitted a drawing to the Board. Mr. Rose questioned the 23 ft. setback and confirmed with Mr. Synek that it would be an issue. Mr. Synek stated that because 23 ft. was a greater variance request than the 25 ft., request, it is an issue. Mr. Rose explained to Mr. Lobas that they could vote on the 23 ft., but if he wanted 25 ft. he would have to come back to the Board because it is a different variance. Mr. Lobas stated that he thought he could come and discuss it with the Board tonight. Mr. Rose explained that The Planning Commission has that type of format for their meeting and discussions. The Board of Zoning has a different procedure, it has to be published in the paper and notices have to go out to the surrounding properties. Mr. Rose asked if they had spoken to any of their neighbors, and if anyone complained. Mr. Hatem stated that he spoke with his neighbors, and everyone was fine with it, they were glad something was going to be done with the house.

Mr. Hasman asked Mr. Hatem, if they moved the house back 2 ft. would that be problematic, or would he not be able to take advantage of the existing foundation. Mr. Hatem stated that the main problem is the corner of where the garage is. If they move the house back, the other corner changes, and it is a lot of structural movement. If they move

it, they won't be able to make use of the foundation. Mr. Hatem showed the Board on the overhead drawing.

Mr. Lobas asked if the location of the porch would be an issue with this Board or is the porch considered a separate structure. Mr. Synek stated that the porch would go in front of this Board, but there is an allowance for the projection on a porch. In this case the house is in no way compliant, so we would just use the worst case scenario for the entire house, that everything is in front of the front yard setback.

Mr. Rose stated that the neighbor to the west had to get a variance for their porch as well. Mr. Rose wanted to know if they wanted to withdraw their appeal and work with the Building Dept. to come back with new numbers, or do they want to go ahead with what was published. Mr. Hatem and Mr. Lobas agreed to withdraw the second variance.

Mr. Synek asked if they still wanted to go forward with the variance for the driveway, and ask the Board to vote on that tonight. Mr. Hatem stated that he is going to be resurfacing the existing driveway not replacing it at this time. Mr. Rose asked Mr. Synek to confirm, that if or when the time comes when they would want to tear out and replace the driveway, would it need another variance to replace it at 32 ft. Mr. Synek stated that if they get this approval, they can remove, replace or repair the driveway, because it was granted a variance. Mr. Rose stated that he assumed the main request for the variance was so he didn't have to put in another driveway. Mr. Hatem asked what the maximum width would be that they could install. Mr. Rose stated that the request really is to not incur the expense and tear up the driveway. He asked Mr. Hatem if he would be willing to go with the Board granting a conditional variance that if he wants to tear out the driveway in the future and start again, he would have to ask the Board for another variance. Mr. Hatem questioned what he could do without a variance and asked about recoating. Mr. Rose stated that recoating would be fine, but if he planned to tear it out and put in new concrete it would have to be at 20 ft. or obtain another variance.

Mr. Hall asked Mr. Synek is there was a reason why the appellant didn't need a variance to not install public sidewalks. Mr. Synek stated that it was because they have an existing private drive.

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**

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
February 13, 2017**

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

Absent: Mayor Hruby

Others: Building Inspector Synek, 6 guests

APPROVAL OF THE 2016 BOARD OF ZONING ANNUAL REPORT

Motion by Mr. Hall, seconded by Mr. Hasman to approve the 2016 Board of Zoning Annual Report as written.

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

MOTION CARRIED

APPROVAL OF THE REGULAR MEETING MINUTES OF JANUARY 9, 2017

Motion by Ms. Roberts, seconded by Mrs. Veras to approve the Regular Meeting Minutes of January 9, 2017 as recorded.

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

MOTION CARRIED

APPEAL 2017-03

Motion by Mr. Hasman, seconded by Mrs. Veras, 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 a new single family dwelling located at 6954 Daisy Avenue, PP# 601-34-036.

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

MOTION CARRIED

APPEAL 2017-04

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 1119.09(b) of 12.75 ft. from the maximum width of 20 ft. to allow 32.75 for a driveway, **provided that a variance will be required for any replacement driveway that exceeds the width required by the code** for a new single family dwelling located at 9650 Davidson Drive, PP# 603-21-023.

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

MOTION CARRIED

REPORT OF COUNCILMEMBER VERAS

Council member Veras stated that at the January 17, 2017, City Council meeting, both of the appeals that were recommended by the Board of Zoning Appeals were approved by City Council.

REPORT OF MAYOR HRUBY

No Report.

BOARD DISCUSSION REGARDING ORDINANCE CHANGES

The Board discussed the size of accessory structures, i.e., pergolas, pool cabanas, and open arbors. They also discussed the placement of air conditioners and the height of fences. The Board asked the Building Department to research what other surrounding City's ordinances are and report back to the Board next month. They also wanted the Mayor to be present for further discussion.

Motion by Mr. McCrodden, seconded by Mr. Hasman to close the Regular Meeting at 8:15 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