

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
January 9, 2017**

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

Absent: Bruce McCrodden

Others: Building Inspector Synek, 3 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**. Mr. Hasman nominated **Dennis Rose**, seconded by Mayor Hruby. Nomination was closed by Mrs. Veras, seconded by Mayor Hruby.

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

MOTION CARRIED

Mr. Hall moved, Ms. Roberts seconded, that **Dennis Rose** be elected **Chairman, Board of Zoning Appeals**.

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

MOTION CARRIED

Councilmember Veras turned the meeting over to Chairman Rose.

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

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

Nays: None
MOTION CARRIED

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

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

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

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

Mayor Hruby moved, Mr. Hasman seconded, that **Kathy Roberts** be elected **Secretary, Board of Zoning Appeals**.

ROLL CALL: Ayes: Hall, Hasman, Hruby, Veras, Rose
Nays: None
Abstain: Roberts
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 2017-01

Parkview Homes for a variance from Section 1181.11(a) maximum roof area over 30 ft. is limited to 20% of ground floor to allow 28.9%, for the construction of a new house located at 9487 River Birch Run, PP# 605-22-062.

Chris Bender representing Parkview Homes spoke to the Board. Mr. Bender explained that their hardship is that the roof would have to be capped off, and it would not be particularly flattering to the house, nor would it be cohesive with the other homes on the adjoining parcels. Mr. Bender stated that the direct cause for the request, is the fact that

the height of the roof is measured from the lowest point of the lot, and this house happens to have a walk out lot.

Mr. Rose clarified with Mr. Bender, that if this was a flat lot, they would not need a variance. Mr. Bender stated that was correct. Mr. Bender stated that the house next door had the same issue, and this Board was kind enough to grant them a variance. This house's architecture is very similar and would be compatible.

Mr. Hall stated that the Board has granted several variances on this street and asked if this house was substantially different or similar to the other houses. Mr. Synek stated that it is very similar to 80% of the lots in this development. Mr. Bender explained that it is a function of the architecture of many of the homes that they are building today, as well as higher first and second floor ceilings and any variation in the topography.

Mr. Rose stated that there was a map submitted to the Board showing the development with approximately five properties that were not marked whether or not a variance had been granted, and wanted to know if he expected them to come to the Board with the same type of request. Mr. Synek interjected and explained that the map was submitted by him, not Mr. Bender. Mr. Rose asked Mr. Bender if he was aware if there were any issues with the other lots. Mr. Bender stated that he believed generally they will have the same kinds of requests because of the type of homes that are being built.

Mr. Hasman asked Mr. Bender to clarify, that from the front elevation, what the height of the building was as you see it from the street. Mr. Bender stated that he may need some help from Mr. Synek, but it is approximately 20 ft. to the top of the plate, and 28 ft. to the top of the roof line. Mr. Hasman concluded that it was below 30 ft. as you see it from the street. Mr. Bender was not quite sure and deferred it to Mr. Synek. Mr. Synek stated that he did not have that calculation. Mr. Rose stated that it is calculated by average grade, and the walk out is what caused this variance. Mr. Synek stated that was correct, it significantly changes with the walk out basement. Mr. Rose clarified that Mr. Bender's point is that it will not be significantly higher than the other neighboring properties. Mr. Bender stated that was correct.

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

APPEAL 2017-02

Chris and Connie Anselmo for a variance from Section 1185.03(a), maximum fence height of 4 ft. to allow a 6 ft. aluminum fence located at 8377 Riverview Road, PP# 602-26-006.

Chris and Connie Anselmo spoke to the Board regarding their appeal. Mr. Anselmo stated that they are currently building a house at 8377 Riverview Road, and they would

like to install a dog pen behind their garage so their dog can be let out from the garage. Their dog is a Labrador Retriever, and can jump a 4 ft. fence. Mrs. Anselmo stated that they submitted a letter from their veterinarian which stated the same. Mr. Anselmo explained that even though they are asking for a pen, the rest of the yard will be installed with an invisible fence.

Mr. Rose asked if the pen will be built so that the dog will be on a run. Mrs. Anselmo explained that it is a pen on the back of the garage with a dog door. Mr. Rose asked if they had considered something that would comply with code, maybe something 4 ft. with a roof. Mrs. Anselmo felt that if the dog jumped it would hit his head. Mr. Anselmo stated that the pen would be easier for them to clean and the aluminum fence would be more aesthetically pleasing. Mr. Rose explained that a 6 ft. fence is not something that is granted that often, the Board looks for a true hardship. Mrs. Anselmo highlighted four properties with 6 ft. fences. Mr. Rose stated that they did not know their individual circumstances. Mrs. Anselmo stated that there was one on Fitzwater with dogs that was granted a 6 ft. fence within the last year. Mr. Rose asked Mr. Synek if he recalled the fence they were speaking of. Mr. Synek stated that he thought it might be the one that abuts a commercial property, across the street from the London Pickle Works. Mrs. Anselmo stated that she is afraid if they install a 4 ft. fence, the dog would probably jump it and be a danger to other people.

Mr. Hall clarified that in addition to the dog pen, they plan on installing an invisible fence. Mr. Anselmo stated that they are, he is not sure how well it will work, but when they are not home, they do not want to just let him out in the yard, and a pen would be an alternative, he can go out thru the garage into the little fenced-in area. Mrs. Anselmo stated that on Riverview Road there are a lot of animals, and she would be afraid their dog would try to go after them, he is a two year old dog and he is not afraid of anything.

Mr. Hasman asked them to explain the pass thru to the outside. Mr. Anselmo stated that in the garage there is actually a door there, and he will install a doggie door. Mr. Hasman asked why not just let him out into the garage. Chris Anselmo stated that he did not want the dog defecating in the garage.

Mr. Rose asked how big the fence would be. Mr. Anselmo stated that it will be 18x18.

Mr. Hasman asked if they had spoken with their neighbors. Mr. Anselmo stated that they did speak to Matt & Cheryl Klima, 8369 Riverview Road, and they did not have a problem with it. The other neighbor did not comment. Mr. Hasman clarified that it will not be a chain link fence. Mr. Anselmo stated that it will be a decorative aluminum fence. Mrs. Anselmo stated that she had a dog that could climb a chain link fence and did not want to install another one. Mr. Rose asked for a copy of the letter from the neighbor. The fence will be more on the side of their neighbor, the Klima's.

Mr. Rose asked Mr. Synek to show the site drawing on the overhead screen, and asked where it was in relation to the street view. Mr. Anselmo stated that they are 215 ft. off the street, and it will be off the back of the garage, and showed him on the overhead drawing.

Mr. Hasman asked if the Anselmo's owned the property all the way back to the highway. Mr. Anselmo stated that they own it back to the river.

Ms. Roberts asked if they had considered a 5 ft. fence. Mr. Anselmo stated that the dog stands up past his shoulders on his hind legs and he didn't want to take a chance asking for a 5 ft., and it wouldn't be able to contain the dog. Mr. Anselmo stated that they currently live in Broadview Heights and have a 6 ft. and it works fine.

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

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
January 9, 2017**

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

Absent: Bruce McCrodden

Others: Building Inspector Synek, 3 guests

**APPROVAL OF THE REGULAR MEETING MINUTES OF DECEMBER 12,
2016.**

Motion by Ms. Roberts, seconded by Mr. Hasman to approve the Regular Meeting Minutes of December 12, 2016 as recorded.

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

Nays: None

MOTION CARRIED

APPEAL 2017-01

Motion by Mr. Hall, seconded by Ms. Roberts, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1181.11(a) maximum roof area over 30 ft. is limited to 20% of ground floor to allow 28.9%, for the construction of a new house located at 9487 River Birch Run, PP# 605-22-062.

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

MOTION CARRIED

APPEAL 2017-02

Motion by Mr. Hasman, seconded by Mrs. Veras, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1185.03(a), maximum fence height of 4 ft. to allow a 6 ft. aluminum fence located at 8377 Riverview Road, PP# 602-26-006.

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

MOTION CARRIED

Mr. Rose commented that he voted the way he did because the pen was behind the house, and it was a decorative fence. To him they were all factors in his decision.

REPORT OF COUNCILMEMBER VERAS

Council member Veras stated that at the December 20, 2016 City Council meeting, both the appeals that were recommended by the Board of Zoning Appeals were approved by Council as well as Appeal 2016-47, which was reconsidered and approved. Mrs. Veras also thanked all the members of the Board for serving, and Ms. Roberts for serving another 5 year term.

REPORT OF MAYOR HRUBY

The Mayor wished everyone a Happy New Year. He also expressed his appreciation to Ms. Roberts for serving another term and for each member volunteering their time to serve on the Board.

Motion by Mr. Hasman, seconded by Mr. Hall to close the Regular Meeting at 7:56 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