

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

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

Absent: Bruce McCrodden

Others: Building Inspector Synek, 5 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 2017-05

Scott and Jeannie Radcliff for a variance from Section 1185.03(a) to allow the installation of a fence in the front yard, 37 ft. from the Right of way, as show in the drawing dated 2/27/2017 (not permitted) located at 4745 Valleybrook Drive, PP# 604-02-076.

Jeannie Radcliff spoke to the Board regarding their appeal. She stated that they have lived in Brecksville for over 20 years. She explained that she and her husband own a non-medical home care company in Oakwood Village, and approximately five years ago they opened up a satellite office in Brecksville. She stated that her company's motto is "To Us It's Personal", and explained, that is especially true to her because her mother started the company in northeast Ohio, which was one of the first ten in the country, they now have a paten. Mrs. Radcliff went on to explain to the Board that her mother has Alzheimer's. She stated that one of the things about being in this business, is she has a lot of experience and background in Alzheimer's so it has been very helpful. Their plan originally was to have her mother move in with her, but her mother is a smoker and she has children at home. They thought of an addition, but that didn't work either. They also looked at memory care facilities, and was not ready to do that yet, her mother is only 73 years old. They decided to open up an adult group home. They will be able to provide personalized one on one care for her mother, and she will be five minutes from her house. They can also provide that same care at a reasonable rate for other people who don't want to be in a large facility and have one on one care. Mrs. Radcliff stated that they found a house in Brecksville, which at the time, she thought it to be unusual. It is a very long rectangular ranch and has patio doors off to the one side, which is one of her hardships. She explained that her mother, as most people, look forward to good weather so they can spend time outside, and with Alzheimer's they cannot go outside without supervision.

Wandering is a very common thing with Alzheimer's. Looking forward, they have to have a fence with the home. When they purchased the home, she had no idea that she could not install a fence there, and one of the first things they did was to plant arborvitae, and their plans was to put the fence inside the trees. They now have the approval to be an adult group home, but one of the requirements of the State of Ohio, is that bedrooms have to be bedrooms, you cannot walk through one to get to another room. All of the bedrooms in the home are in the back of the house, and they can't pass through a bedroom to go out the back yard. The only way to go out of the house is from the side, which she felt is another hardship.

Mr. Rose asked if there was always no entry way from the back of the house. Mrs. Radcliff stated that was correct, and without the fence, she would have to keep the five residents inside all summer. One of the things her mother loves to do is garden, and just be outside watching birds. She went on to explain that her side yard is considered the front yard. She explained the layout of the house on the street in relation to the other houses around it. There is vacant land which is owned by one of the houses that no one will be able to build on, and on the other side is the Turnpike. She has talked with all the neighbors and all of them are completely fine with it, and are grateful for all the improvements that they have done.

Mr. Rose asked Mr. Synek, that if the house was not on a cul-de-sac, it would not be an issue, and a fence could be installed in the side yard. Mr. Synek stated that was correct. Mrs. Radcliffe explained that only three people will be able to see her house, because they are at the end of the cul-de-sac. The City code was written for two streets, she does not have two streets, just one road that dead ends. Mr. Rose confirmed with Mr. Synek, again, that if the cul-de-sac was a circle with houses all the way around, they could install the fence without a variance, because the side yard would not be fronting the street. Mr. Synek stated that was correct.

Mayor Hruby questioned Mr. Synek about the code relating to two front yards. Mr. Synek stated that we do not have two front yards, we have a front building line, and it follows the curvature of the street.

Mr. Hall asked Mr. Synek if he agreed with the appellant that the vacant lots there are not buildable lots. Mr. Synek stated that he did agree with that, they are not buildable.

Mrs. Radcliff showed on the overhead screen, the houses that would be able to see their house. Mr. Rose asked if she had spoken with any of them and if they were alright with it. She stated that they were. She felt that the fence increased their safety, and there is no down side to having it. She felt it made the property better. Mrs. Radcliff explained that she changed her variance from what she was originally going to do. She was going to ask for a closed type of fence that would be 5 ft. high. She was told she could not do that, so she shortened the fence to code and selected something that had spaces between the slats

of the fence. She is trying to protect the seniors that will be living there, and the fence will be aesthetically pleasing. The house was built with patio doors on the side, it is a very unusual design. She felt that whatever the improvements, she is not taking anything away from her neighbors, she will only be adding value. She went on to explain again that it is personal to her. She didn't know how many years her mother will have left, and knowing what a horrible disease it is, she wanted to make her last days as nice as possible. Being able to get outside for a few short months to garden, watch birds or whatever her mother would like to do, she would like to make that happen for her.

Mr. Hasman confirmed that the fence they would like to install will be a 4 ft. fence. Mrs. Radcliff stated that was correct.

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

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

APPEAL 2017-06

Christopher Lobas & Assc, Architects for Waleed Hatem for a variance from Section 1151.24 of 42.99 ft. from the minimum required 60 ft. to allow a 17.01 ft. front yard setback for a new single family dwelling located at 9650 Davidson Drive, PP# 603-21-023.

Mr. Lobas and Mr. Hatem both spoke to the Board regarding the variance. Mr. Lobas stated that since the last time they were in front of the Board, they moved the turret to the northwest part of the house and placed the front porch, and have the correct setbacks now. Mr. Lobas explained that the distance to the property line is 17 ft., but that the distance to the road is 40 ft. The street is a private drive, and not an official road, it is an extension of Davidson Drive, and is asphalt. Mr. Lobas felt that if everyone else on the street is already breaking that 60 ft. rule, it would not be fair to Mr. Hatem to have to comply with code. They are asking to be able to put the house in such a place that it accentuates the other houses on the street. They felt that it was attractive and fit in the context of the other four houses, and went on to explain the different style houses.

Mr. Rose confirmed with Mr. Synek, that if he was to build on the existing foundation, he would still have to come to the Board for a variance. Mr. Synek stated that was correct. Mr. Hatem explained the existing foundation on the overhead screen, and also explained what they would have to do with the existing foundation if the Board did not grant the variance. He stated his plans were to use as much of the existing foundation as possible. He stated that he intended to make the 3 ft. crawlspace a full basement. He is trying to save money. Mr. Hatem explained that if you stand at the street and look at the house, it does not look like it is too close to the street.

Mr. Hall asked what the setback of the existing house was. Mr. Rose stated it was 23 ft.

Mr. Hasman clarified that the additional space is just for the porch. Mr. Hatem stated that was correct, the porch will not be enclosed it will be open. He stated that he spoke to all his neighbors again and everyone is ok with it.

Mr. Hasman asked if the porch will be covered. Mr. Hatem stated that it will.

Mr. Rose asked to see the front elevation of the house. Mr. Lobas had a picture of it on his phone and showed the Board. The Mayor made the comment that it was close to the street. Mr. Rose confirmed with Mr. Lobas that the turret is exactly where the existing house was, that it did not change. Mr. Lobas stated that was correct. Mr. Lobas explained that roughly 1/6 of the porch is solid, and the rest is open. Mr. Rose confirmed with Mr. Synek that it would not matter whether it was solid or not. Mr. Synek stated that was correct, if the house was built and the building line, you could extend it 6 ft. into the front yard.

The Board discussed the placement of the house in relation to the house next door. Mr. Lobas stated that he understood where the Board was coming from, but all the houses on the street are staggered. Mr. Rose commented that their main hardship was economic, the cost of having to build a new foundation.

Mr. Hasman asked if Mr. Hatem had spoken with his neighbors. Mr. Hatem stated that he had, and they are all fine with it. Mr. Hasman stated that the turret appears so massive compared to the rest of the house, and wanted to know if they had given consideration to any other building materials. Mr. Lobas stated that the stone in the rendering is larger than what will be used, what they have pictured is just an artist rendition. They will be using a cultured stone that has limited sizes.

Mayor Hruby asked how much of the existing foundation will be used. Mr. Lobas stated that they will use more than 50%, and showed them on the overhead drawing. Mayor Hruby clarified that it will not be used in the front. Mr. Lobas stated that is correct.

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

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

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

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

Absent: Bruce McCrodden

Others: Building Inspector Synek, 5 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF FEBRUARY 13, 2017

Motion by Ms. Roberts, seconded by Mr. Hasman to approve the Regular Meeting Minutes of February 13, 2017 as recorded.

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

MOTION CARRIED

APPEAL 2017-05

Motion by Ms. Roberts, seconded by Mr. Hall, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1185.03(a) to allow the installation of a fence in the front yard, 37 ft. from the Right of way, as show in the drawing dated 2/27/2017 (not permitted) located at 4745 Valleybrook Drive, PP# 604-02-076.

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

Nays: None
MOTION CARRIED

APPEAL 2017-04

Motion by Mr. Hall, seconded by Ms. Roberts, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 of 42.99 ft. from the minimum required 60 ft. to allow a 17.01 ft. front yard setback for a new single family dwelling located at 9650 Davidson Drive, PP# 603-21-023.

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

REPORT OF COUNCILMEMBER VERAS

Council member Veras stated that at the February 21, 2017, City Council meeting, both 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 asked the Building Department to call different cities to see what their ordinances were on accessory structures, fences and air conditioners. Ms. Zdanowicz reported her findings from four different cities. The Mayor asked her to obtain a hard copy of each of their City's ordinances and include them in their next packet for the April meeting.

Motion by Mr. Hasman, seconded by Mrs. Veras to close the Regular Meeting
At 8:10 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