

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
May 8, 2017**

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

Absent: None

Others: Building Inspector Synek, 4 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 2017-10

Joe & Karen Greulich for a variance from Section 1151.26(3) to allow the construction of a deck to extend 4 ft. into the required rear yard located at 8055 Long Forest Drive, PP# 601-28-044.

Mr. Greulich spoke to the Board along with his contractor Rob with Classic Decks. Mr. Greulich stated that he has had water issues and some water leakage that came in on the back wall of their home. There is a patio that is located there now, which will need to be removed in order to do the waterproofing on the rear wall of house, and there will be stones laid back there. He decided in order to hide the stones, he would build a deck exactly where the patio was, but it encroaches four feet.

Mr. Rose asked, if after he took care of his water problem, why he couldn't just install the patio again. Mr. Greulich stated that he is getting older and there is a step down to the patio. He wants to make the deck the same level as the door to walk out to the deck, and make it less of a fall risk. Mr. Gruelich stated that they moved here from California, and this will be their last house. He went on to explain that there was a retaining wall in the rear that was put in after the house was built, to divert the water. From what someone told him, there was a significant amount of water that came in from deck washing, and a serious amount of water came in his basement from that wall. Mr. Greulich stated that they are going to regrade and explained the location on the overhead screen.

Mr. Rose confirmed with Mr. Synek that he marked the original building line, and wanted to make sure that nothing had changed. Mr. Synek stated that everything is the same.

Mr. Hall asked what the space between Mr. Greulich and the property behind him was. Mr. Greulich stated there is no one behind him, there is a creek and an 80 ft. setback. Mr. Rose stated that there appears to be a house with an addition on the site plan, and asked Mr. Synek to confirm that there were various setbacks there. Mr. Synek used the overhead projector to point out the different parcels and lot layouts. Mr. Hall commented, that was his question to Mr. Greulich earlier.

Mr. Greulich stated that he spoke with his neighbors on each side, and they did not have a problem with it.

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

Appeal 2017-11

Shawn McNeil for a variance from Section 1151.25(d) of 660 sq. ft. from the maximum 660 sq. ft. to allow 1320 sq. ft. for the construction of a detached garage located at 11921 Fitzwater Road, PP# 602-02-005.

Mr. McNeil spoke to the Board regarding his appeal. He stated that he and his family moved back to Ohio two years ago. He moved back with the intention of building on a lot where he could build a work shop to do woodworking, and work on cars. He was not aware at the time that the code only allowed a 660 sq. ft. structure. Mr. McNeil explained that the building will complement the house and be architecturally pleasing. His lot is wooded, and you will probably not be able to see the structure from the street. He added that he has two neighbors that really won't be able to see it either. Mr. McNeil explained that he had talked to his neighbors in the past about what he would conceptually be building, and they didn't have an issue. He had the design completed in the last three weeks, but didn't have time to talk to his neighbors again about it because his one neighbor is ill and is currently going thru treatment, and his other neighbor was gone on vacation. He was out of town as well, and they haven't crossed paths.

Mr. Rose confirmed with Mr. McNeil that this will not be anything commercial or a living space. Mr. McNeil stated that was correct.

Mr. McNeil explained that he has a lot of tools for woodworking, and also has three vehicles, one of which is a large truck that does not fit in his current garage. This proposed structure will allow him to park it in the new garage so it will be out of site, along with his other two personal vehicles. He stated that he has two children that will be driving soon as well, and prefers to have the cars inside instead of being parked outside. Mr. McNeil stated that he does all of his own yard work and has quite a bit of equipment to maintain his yard. He explained that he works out of his home and has supplies and will use the structure for organized storage. The building itself is 28x40 but it will have an overhang with a side patio for aesthetics.

The Mayor asked Mr. McNeil what his intent was for the second floor. Mr. McNeil stated that basically it will be for storage. Eventually he may make it his office, because his wife works from home as well and they are sharing a single office. The Mayor asked if he will be adding water and sewer or anything else to the building. Mr. McNeil stated yes, that he was going to install radiant floor heating and potentially a half bath so he will need water and sewer. There are no plans for a shower or bath, or plans to make it a living space. The Mayor stated that was one of his questions, whether it was intended to be made into a living space. The other question the Mayor had was whether Mr. McNeil intended to use the second floor for his woodworking. Mr. McNeil stated that he was thinking about it, but some of his equipment was pretty heavy. He has a Delta cabinet saw that weighs 400 lbs. and he would not be able to get it upstairs. Mr. McNeil also stated that he will leave the front section open, because eventually he would like to install a car lift. The Mayor confirmed that no one will be moving in, and that he will not be running a business there. Mr. McNeil explained that he and his brother run a chemical business out of New Mexico and he is expanding the business here in Ohio, which is just from his office at home. They do have a warehouse in Coshocton where they store the chemicals, there is nothing hazardous that is stored at home.

Mr. Rose clarified that he will not be running a garage or working on people's cars. Mr. McNeil stated that he will not, he and his son just enjoy working on cars.

Mr. Hasman asked if the driveway will lead up to the new building. Mr. McNeil stated that it will, and showed him on the overhead screen. Mr. Hasman asked if it will be a paved driveway. Mr. McNeil stated yes. Mr. Hasman explained that he was a little concerned about his neighbors to the east, and the fact that they did not see a final drawing. He asked Mr. McNeil if they were aware of the dimensions of the structure when he talked about it with them conceptually. Mr. McNeil stated that he wasn't sure a few months back if he knew what the exact size was, so he was not sure.

Mr. Rose stated that all of his neighbors did receive of notice by mail on the size of the structure. Mr. McNeil explained that he really hasn't seen his neighbor much in the last three weeks, because of both of them being out of town.

Mr. Hall confirmed that the legal notice that was mailed out to the surrounding properties stated the size of the structure.

Mr. Rose opened up questions to the audience. Mr. David Walsh, 11601 Fitzwater Road, spoke to the Board. He stated that he lives behind Mr. McNeil, and does not have a problem with him building the structure.

Motion by Mayor Hruby, seconded by Mrs. Veras to close Public Hearing. **MOTION CARRIED**

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
May 8, 2017**

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

Absent: None

Others: Building Inspector Synek, 4 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF APRIL 10, 2017

Motion by Mayor Hruby, seconded by Mr. McCrodden to approve the Regular Meeting Minutes of April 10, 2017 as recorded.

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

MOTION CARRIED

APPEAL 2017-10

Motion by Mr. Hall, seconded by Mr. McCrodden, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.26(3) to allow the construction of a deck to extend 4 ft. into the required rear yard located at 8055 Long Forest Drive, PP# 601-28-044.

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

MOTION CARRIED

APPEAL 2017-11

Motion by Mayor Hruby, seconded by Mrs. Veras, that the Board of Zoning Appeals

recommend to City Council approval for a variance from Section 1151.25(d) of 660 sq. ft. from the maximum 660 sq. ft. to allow 1320 sq. ft. for the construction of a detached garage located at 11921 Fitzwater Road, PP# 602-02-005.

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

MOTION CARRIED

Mr. Rose commented, that the fact that the surrounding neighbors were notified and no one opposed it, and the neighbor to the rear came to the meeting with no objection, was an important factor in determining his vote.

REPORT OF COUNCILMEMBER VERAS

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

REPORT OF MAYOR HRUBY

Mayor Hruby reported that the Memorial Day Parade step off time is 10:30 a.m. Our former Director of Human Services, Ted Lux, will be the guest speaker. The Mayor also reported that on Saturday, May 13, 2017, is Shredding Day at our Municipal lot, and is a free service of the City. All that we ask is that you bring a non-perishable food item for the pantry at the Human Services Department. The Mayor stated that the rezoning issue for the properties on Rt. 82, was favorably enacted by the people who voted, 77% were in favor of it. The Mayor stated that hopefully it will set a new tone, which will not be retail, and provide some protection to the residential properties surrounding that area, by having this buffer. Lastly, Mayor Hruby also stated that he was happy to announce that the school levy passed.

BOARD DISCUSSION REGARDING ORDINANCE CHANGES

Mr. Rose asked that we postpone the discussion until the July meeting, which will be a working discussion after the Regular Meeting.

Motion by Ms. Roberts, seconded by Mr. Hasman to close the Regular Meeting at 8:03 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