

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
June 12, 2017**

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

Absent: Robert Hasman

Others: Building Inspector Synek, 15 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 2017-12

Joyce Factory Direct for George Radzminski for a variance from Section 1151.24 of 21 ft. from the minimum required 60 ft. rear yard setback to allow 39 ft. for the construction of a deck located at 3190 Sweetwater Drive, PP# 604-01-024.

Chris Zawicki, Joyce Factory Direct, spoke to the Board regarding George Radzminski's appeal. Mr. Zawicki explained that when Mr. Radzminski purchased his home, there was an existing deck, which apparently was built without a permit. Back in October he had a tree fall which damaged his house and deck and he is simply looking to rebuild the deck that he has been accustomed to the last 12 years. He will not be going any further back than what was existing. The code requires a 60 ft. rear yard setback, and he is 3 ft. shy of that. Mr. Zawicki explained that Mr. Radzminski's backyard is heavily wooded, and will not be viewable to the neighbors behind him.

Mr. Rose confirmed with Mr. Synek that there was no permit for the original deck. Mr. Synek stated that was correct. Mr. Rose asked Mr. Synek if the house was built behind the rear yard setback. Mr. Synek stated that was correct, in 1987 the house was granted a 5 ft. variance. Mr. Rose asked Mr. Radzminski if he had spoken to his neighbors in regards to the deck. Mr. Radzminski stated that he spoke to nine out of the twelve neighbors on the legal notices that were mailed out, and two are in the audience. His neighbors were not opposed to the variance.

Mr. Hall asked Mr. Synek that as you look at the lot it appears that the cul-de-sac affects the placement of the house on the lot pushing it towards the back. Mr. Synek stated that was correct, it is an "L" shaped house and it pushes it towards the back.

Mr. Rose opened up questions to the audience. Raymond & Denise Schroeder, 3830 Sweetwater Drive spoke to the Board, and are in support of Mr. Radzminski's project.

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

APPEAL 2017-13

RBS Investments, William Stout, for a variance from Section 1151.24 of 10 ft. from the minimum required 50 ft. rear yard setback to allow 40 ft. for a deck located 8990 Cedar Street, PP# 601-34-060.

William Stout, appearing in behalf of his landlord, spoke to the Board regarding his appeal. Mr. Stout explained that he wants to build a deck in the back of the house to give them more space. Unfortunately, because of the layout of the land they are not able to meet the setback. Mr. Stout explained that he spoke with the owner, and Mr. McCreary is o.k. with it. He owns the property next to it as well, and showed the Board on the overhead screen where Mr. McCreary's property lies.

Mr. Rose confirmed that his hardship is that Mr. Stout has no space for a deck. Mr. Stout stated that was correct, they can't do it on the side or front. Mr. Rose confirmed with Mr. Synek that because of the shape of the lot they require a variance. Mr. Synek stated that was correct.

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

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

APPEAL 2017-14

9th Avenue Designs, LLC. for Ronald Leonhardt for (1) a variance from Section 1185.03(a) maximum fence height of 4 ft., to allow a 7 ft. front yard gate, and (2) a variance from Section 1185.03(a) to allow a gate to be located in the front yard in front of the building setback line, and (3) a variance from Section 1151.26(2) to allow a shed in the front yard (not permitted) located at 8455 Timber Trail, PP# 601-22-065.

Patrick Beam, 9th Avenue Designs, LLC. spoke to the Board regarding Mr. Leonhardt's appeal. Mr. Beam stated that even though there are small signs that say "private" on the property, Mr. Leonhardt continues to have people drive back thru his property. It happened during construction and it is still happening now. He would like to install a gate which is 800 ft. back from the street where you cannot see it.

Mr. Rose clarified that the gate, in essence, is to keep vehicles from driving thru, and the height of the gate is decorative. He asked Mr. Beam from a security standpoint, why a 4 ft. gate could not serve the same purpose, the gate can still be walked around. Mr. Beam stated that where the gate is located, they would still have to walk another 800 ft. to reach the house.

Mayor Hruby stated that he and a member of Council visited the site today. It was said that Mr. Leonhardt already started the construction for the gate and structure, and when he was out there he observed that there were two turnarounds there, and asked if there weren't already turnarounds installed when the house was being built. Mr. Beam stated that there was, and the information that they already started construction was not true. They got a permit for the area of the brick pad, but no construction was started. Mayor Hruby wanted an explanation of the building that was being proposed, as well as why the gate had to be 7 ft. tall instead of 4 ft. which is code compliant. Mr. Beam explained that the gate will be 5 ft. tall with a decorative top and only

the posts are 7 ft. tall. Mr. Beam explained that he is working with a local artist for the building. It will be 10x14 and have a metal roof. One side will be for the mechanics and the other side for parcel deliveries. The door for the building is from an old ship, the structure will be custom made.

Mr. Rose asked if the building would have been placed in the rear, the design would be code compliant. Mr. Synek stated that was correct. Mr. Rose asked Mr. Beam how far the building was from the gate. Mr. Beam stated that it was 25 ft.

Mayor Hruby asked if they had talked with the postal service or Fed Ex, and if they were willing to drop the packages off to the building. Mr. Beam stated that they have spoken with them, and they have done it before.

Mr. McCrodden asked Mr. Beam, that with their objectives being privacy and parcel drop off, had he considered any other alternatives to the two proposals. The other alternative to the gate was to put it at the street, and Mr. Leonhardt did not want to do that in respect to the neighbors. Half way down is a turnaround, and it just made sense because there would be room for vehicles to turn around.

Mr. Hall stated that they have had concerns from surrounding residents about visibility of the structure and gate in the winter time, and asked if it would be possible to install any additional shrubbery. Mr. Beam explained the landscaping on the overhead screen.

Mayor Hruby stated that if the Board made it a requirement that the structures be shielded by foliage, would Mr. Leonhardt agree to that. Mr. Beam stated yes, they were planning to do some ivy on the posts and the sides of the structure. It would be hard to plant evergreens because of the terrain there.

Mr. Rose confirmed that because of the terrain, planting is difficult. Mr. Beam stated that was correct, because you can't drive around it. They will put some landscaping up and around the sides of both.

Ms. Roberts wanted to comment for the record, that there has been a significant amount of trees and shrubbery installed since the house and property was first being built, and now that everything has been developed, it is very impressive.

Mr. Rose opened up questions to the audience. Mr. Rob Wilson, 8529 Timber Trail spoke. They were concerned with bright lighting and asked what their plans were for the structure and the gates. Mr. Beam stated that they were going to have some coach lighting and low voltage lighting installed.

Mr. Rose wanted the record to reflect that the Board received letters and emails from Patrick Cawley & Molly McArdle, 8521 Timber Trail, objecting to the appeal.

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

APPEAL 2017-15

Rinello Builders for Kevin Pugely for (1) a variance from Section 1151.24, a minimum 30 ft. total of two side yards required, to allow 23.8 ft. and (2) a variance from Section 1151.24 of 54.3 ft. from the minimum 125 ft. front yard setback to allow a 70.7 ft. front yard setback for a rear addition on a non-conforming house located at 9492 Highland Drive, PP# 603-14-012.

Frank Rini, Rinello Builders spoke to the Board regarding Mr. Pugely's appeal. Mr. Rini stated that the existing home does not conform to today's code, and by enlarging the home with an addition, it did not meet the required setbacks and needed a variance.

Mr. Rose confirmed with Mr. Synek that this was another situation where anything you build would need a variance. Mr. Synek stated that was correct. Mr. Rose asked Mr. Pugely if he had spoke with his neighbors about the addition. Mr. Pugely stated that he spoke with a couple of his neighbors and they were supportive.

Mr. Rose opened up questions to the audience. Linda Smiley, 9482 Highland Drive, spoke to the Board and stated they are in support of the Pugely's addition.

Another neighbor in the audience bordering the rear of the lot, did not understand why he would need a variance for a front yard setback when it was a rear yard addition. Mr. Rose stated that the code changed, and that is why he needed a variance.

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

APPEAL 2017-16

Northeast Ohio Fence for Paul Maleski for a variance from Section 1185.03(a) to allow a fence to be located in the front yard in front of the building setback line (not permitted) as indicated on the drawing dated 5/17/2017 located at 9005 Snowville Road, PP# 605-15-007.

Hank Portzer, Northeast Ohio Fence spoke to the Board regarding Mr. Maleski's appeal. Mr. Portzer explained that they were looking to do a landscaping fence installed on either side of the driveway connected to the existing pillars, and match what is going on the rest of the street. They obtained an approval from Gary Naim, with Petros Homes, and the other development across the street. They are just looking to beautify the property, and that is the main request.

Mr. Hall asked Mr. Synek, that other than the placement of the fence, were there any other issues. Mr. Synek stated that there were not.

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

APPEAL 2017-17

The City of Brecksville Police Department for (1) a variance from Section 1183.03, requirement that parking spaces be a minimum of 10 ft. in width to allow 9 ft., and (2) a variance from Section 1183.17(d) requirement that the maximum width of a driveway be 24 ft. to allow 25 ft. on the south side and 30 ft. on the north side, and (3) a variance from 1185.03(a) maximum

fence height of 4 ft. and located behind the building line, to allow a 6 ft. height, and in the front yard, for the construction of a Police Station located at 9020 Brecksville Road, PP# 601-34-018 and PP# 601-34-017.

Mayor Hruby represented the appeal on behalf of the City. Mayor Hruby explained that this came to us recommended from the Planning Commission. Variance 1 was because they are trying to minimize the land that they were using for parking, and today most of what is being constructed throughout the City are 9 ft. parking spaces. Variance 2 is in regards to the driveway width. The driveway to the south is 25 ft. and to the north it is 30 ft. because of the police cars, larger safety vehicles and fire equipment that during an emergency go in and out at a higher rate of speed than normal, and it gives them a wider access. If you look at all the driveway aprons in the City, they all exceed the code because of the emergency vehicles going in and out.

Mr. Rose confirmed that the 9 ft. parking spaces are because of the number of stalls that are needed. Mayor Hruby stated yes and no, they are putting a lot of landscaping around the area, and they are trying to minimize the amount of asphalt space as opposed to the area around it. Mr. Rose asked Mayor Hruby to explain the variance for the 6 ft. fence. Mayor Hruby stated that it is a safety facility and a 6 ft. fence is better security, and will be monitored. The plans call for a decorative fence with spacing closer together with a mesh coating on it.

Mr. Rose confirmed that the main hardship for the City is the use, because it is a security type building. Mayor Hruby stated that was correct. Mayor Hruby explained the building along with the landscaping plan on the overhead screen.

Mr. Rose opened up questions to the audience. Mr. Dennis King, 7008 Daisy Avenue spoke to the Board. He wanted to know on the west end of the parking lot how close that was to his property line. He would like the least amount of impact possible. Mayor Hruby stated that it would be to code. He explained the landscaping plan, and the mounded area that will be there along with pine trees on top, and stated that if he was not happy with it, the City will add more. Mr. King stated that he would be happy if they mounded that entire side. Mr. Rose made mention to the minimizing of the lights that would shine towards his property from the cars that will park there. Mayor Hruby stated that there are no parking spaces facing directly towards Mr. King's property except where the mounding is. Mr. King asked how high the mounding was, and asked that it be as high as possible. Mayor Hruby stated that he would confirm that information and get it to him. Mr. King stated that George and Elaine Frey, 9011 Cedar Street, couldn't attend this evening, but had a concern about the lighting at night. Mayor Hruby stated that they addressed that issue at the last meeting. They are going to light most of the parking lot with bollards, which are lower and will be on at night. At certain times there will be emergency lighting if illuminating the yard is needed, but there will not be an excessive amount of lighting in the back. The entrance of the Police Station will be more lighted where they will have a "safe space" for transactions that are monitored by the Police. Mr. King was also concerned about the jail there. Mayor Hruby stated that there is no jail, just a holding facility. Mr. King had one last concern about the creek and flooding when it rains. Mayor Hruby explained that the City Engineer is installing underground storage and they are talking about putting in a second

system in the muni lot to handle the water. Mayor Hruby will talk with him further about what can be done to help his property.

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

APPEAL 2017-18

Otero Homes for Dominic Mihalik for a variance from Section 1119.03(b) maximum driveway slope 12% permitted, to allow 12.58 % for a new driveway located at 7820 Plantation Drive, PP# 601-02-005.

Todd Otero, Otero Signature Homes spoke to the Board regarding Mr. Mihalik's appeal. They started this project and there is a very steep incline, about 3.5 - 4 ft. to the neighbor's yard. When they were looking at it with the engineer, in consideration of the back yard and not having it so steep coming off the patio, they decided to drop the garage floor 1 ft. to compensate. They always intended to adhere to the 12% slope and in retrospect the driveway is poured and the house is finished. Depending on which point you look at the driveway, the backside adheres to it, the front side of the driveway doesn't. He stated that he felt they matched up nicely to the neighbor's yard as well as allowing a nice swale. They were also able to give the Mihalik's the patio in the back.

Mr. Rose stated that he saw the note from the City Engineer, who appeared to have no concern with it. He asked if he had spoken with his neighbor. Mr. Mihalik said he spoke with his neighbor to the right.

Mr. Rose opened up questions to the audience, Sean Pace, 7810 Plantation Drive spoke to the Board. He had no issue with the variance.

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

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
June 12, 2017**

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

Absent: Robert Hasman

Others: Building Inspector Synek, 15 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF MAY 8, 2017

Motion by Mr. McCrodden, seconded by Mr. Hall to approve the Regular Meeting Minutes of May 8, 2017 as recorded.

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

MOTION CARRIED

APPEAL 2017-12

Motion by Ms. Roberts, seconded by Mrs. Veras, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 of 21 ft. from the minimum required 60 ft. rear yard setback to allow 39 ft. for the construction of a deck located at 3190 Sweetwater Drive, PP# 604-01-024.

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

MOTION CARRIED

APPEAL 2017-13

Motion by Mayor Hruby, seconded by Mrs. Veras, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 of 10 ft. from the minimum required 50 ft. rear yard setback to allow 40 ft. for a deck located 8990 Cedar Street, PP# 601-34-060.

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

MOTION CARRIED

APPEAL 2017-14

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 1185.03(a) maximum fence height of 4 ft., to allow a 7 ft. front yard gate, and (2) a variance from Section 1185.03(a) to allow a gate to be located in the front yard in front of the building setback line, and (3) a

variance from Section 1151.26(2) to allow a shed in the front yard (not permitted), **with the condition that the shed be surrounded with foliage and landscaping to minimize visibility** located at 8455 Timber Trail, PP# 601-22-065.

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

MOTION CARRIED

APPEAL 2017-15

Motion by Mrs. Veras, seconded by Mr. McCrodden, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1151.24, a minimum 30 ft. total of two side yards required, to allow 23.8 ft. and (2) a variance from Section 1151.24 of 54.3 ft. from the minimum 125 ft. front yard setback to allow a 70.7 ft. front yard setback for a rear addition on a non-conforming house located at 9492 Highland Drive, PP# 603-14-012.

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

MOTION CARRIED

APPEAL 2017-16

Motion by Mr. Hall, seconded by Mayor Hruby, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1185.03(a) to allow a fence to be located in the front yard in front of the building setback line (not permitted) as indicated on the drawing dated 5/17/2017 located at 9005 Snowville Road, PP# 605-15-007.

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

MOTION CARRIED

APPEAL 2017-17

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 1183.03, requirement that parking spaces be a minimum of 10 ft. in width to allow 9 ft., and (2) a variance from Section 1183.17(d) requirement that the maximum width of a driveway be 24 ft. to allow 25 ft. on the south side and 30 ft. on the north side, and (3) a variance from 1185.03(a) maximum fence height of 4 ft. and located behind the building line, to allow a 6 ft. height, and in the front yard, for the construction of a Police Station located at 9020 Brecksville Road, PP# 601-34-018 and PP# 601-34-017.

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

MOTION CARRIED

APPEAL 2017-18

Motion by Mr. Hall, seconded by Ms. Roberts, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1119.03(b) maximum driveway slope 12% permitted, to allow 12.58 % for a new driveway located at 7820 Plantation Drive, PP# 601-02-005.

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

Nays: None

MOTION CARRIED

COMMENT FROM CHAIRMAN ROSE

Mr. Rose wanted to make his own personal comment on two appeals this evening. He felt that Appeal 2017-14 was a unique property in Brecksville, and the homeowner was doing his best to make it an outstanding property and minimize the impact of their situation which is much different than other properties in the City. Appeal 2017-17, Brecksville Police Station, has security issues that are unique to the City and that particular property.

REPORT OF COUNCILMEMBER VERAS

Mrs. Veras stated that at the May 16, 2017, meeting, all the appeals passed by the Board of Zoning Appeals were approved by City Council.

REPORT OF MAYOR HRUBY

No Report.

Motion by Ms. Roberts, seconded by Mr. Hall to close the Regular Meeting at 8:22 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