

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

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

Absent: None

Others: Building Inspector Synek, 16 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 2017-40

Kyle & Christina Ziegler for a variance from Section 1151.24 minimum required 125 ft. front yard setback, to allow a 114.5 ft. for the construction of an attached garage and 107.5 ft. for a front porch on a non-conforming house located at 10143 Barr Road, PP# 604-13-005.

Mr. and Mrs. Ziegler spoke to the Board regarding their appeal. Mr. Ziegler stated that he had spoken to the neighbors that were directly impacted by their project., and there were no objections. Mrs. Ziegler also stated that they had originally spoken with them when they applied for their first variance, and had explained the whole project to them then. The reason for their variance is that the house was built prior to the 125 ft. minimum setback requirement. Their house currently sits at 110 ft, and their hardship is that their garage is in disrepair. Mr. Ziegler stated that the garage is not large enough for two cars to park side by side.

Mr. Rose confirmed with Mr. Synek that this is a non-conforming house, and anything that they build would require a variance. Mr. Synek stated that was correct.

Mr. Ziegler stated that they are also planning on putting in a small front porch and new entryway on the house.

Mr. Rose clarified with Mr. Synek that the existing house appears closer than anything they are trying to do now. Mr. Synek stated that the porch is going to extend in front of the existing house, but the garage will be behind the existing house.

Mr. and Mrs. Ziegler explained the dimensions of the proposed addition and garage on the overhead screen.

Mr. McCrodden asked if this variance replaced the variance they received on the detached garage, or was it in addition to it. Mr. Ziegler stated that it is in addition to it.

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

Motion by Ms. Roberts, seconded by Mayor Hruby to close Public Hearing. **MOTION CARRIED**

Appeal 2017-41

Smart Systems Inc. for Chris & Steffany Larkins for a variance from Section 1151.25(d) of 256 sq. ft. from the maximum 144 sq. ft. to allow 400 sq. ft. for the construction of a pool cabana located at 6571 Summer Wind Drive, PP# 604-20-025.

Steffany Larkins spoke to the Board regarding her appeal. She explained that they are starting a backyard project to significantly improve the value of their home. The project includes an in-ground swimming pool and a covered patio. They would like their covered patio to be larger than what the City allows, which will be 20x20. They would like it larger so they can fit furniture in it to sit and enjoy watching their children in the pool. Mrs. Larkins explained the elevation drawing on the overhead screen and stated that the pool cabana will be open on three sides with a wall on the back that will have a fireplace. The materials will match their home, and was approved by their Homeowners Association. She stated that their home has a walk out basement, so the elevation on this would be downhill and behind the home. She stated that you won't be able to see a lot of it, and they will be landscaping. Mrs. Larkins stated that they have spoken with their neighbors and they were all comfortable with it. They were happy that they were improving the value of their home.

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

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

Appeal 2017-42

Detweiler's Premier Decks, LLC. for Mindy Altaqi for a variance from Section 1151.24 of 8 ft. from the minimum required 60 ft. rear yard setback to allow 52 ft. for the construction of a deck and gazebo located at 6540 Glen Coe Drive, PP# 603-18-047.

Mr. Altaqi spoke with the Board regarding their appeal. He stated that they have moved to the area seven years ago. They have a deck that is falling apart, and the reason for the variance, is that a 1 ½ years ago, he became severely allergic to bees. He would like to build an enclosed area so that he can be outside and still watch his four children. He stated that they live on a cul- de-sac, and their backyard is Valley Parkway, so there is really no interference with their neighbors. He showed the deck and gazebo on the overhead screen and explained it to the Board.

Mr. Rose asked if he had spoken with his neighbors. Mr. Altaqi stated that he had spoken with the neighbors on either side of him, and the zoning sign has been posted for several weeks. Mr. Rose asked Mr. Synek if the gazebo was a 14 ft. stand-alone accessory structure, would it be code compliant. Mr. Synek stated that it would. Mr. Rose also asked Mr. Synek that aside from

the gazebo, they would still need a variance because of the deck. Mr. Synek stated that was correct.

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

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

Appeal 2017-43

Timothy Meseck for Chase Bank for (1) a variance from Section 1183.04(c) requirement that parking spaces be a minimum of 10 ft. x 20 ft. to allow parking spaces that are 10 ft. x 18 ft., and (2) a variance from Section 1155.32 of 94.9 ft. from the minimum required 100 ft. front yard building setback from Brecksville Road to allow 5.1 ft., and (3) a variance from Section 1155.32 of 92 ft. from the minimum required 100 ft. front yard building setback from Chippewa Road to allow 8 ft., and (4) a variance from Section 1155.32 of 15.7 ft. from the minimum 20 ft. parking / drive setback on the north side, to allow 4.3 ft., and (5) a variance from Section 1155.32 of 8 ft. from the minimum 20 ft. driveway setback on the east side, to allow 12 ft. and (6) a variance from Section 1183.20 that there be a minimum of 1 loading facility to allow 0, and (7) a variance from Section 1183.09(a)(3) that an ATM have a minimum of 6 stacking spaces to allow 4, and (8) a variance from Section 1155.32 of 45 ft. from the minimum required 100 ft. front setback to allow a 55 ft. front yard setback for an ATM, and (9) a variance from Section 1155.31(c) of 4.25 ft. from the minimum required 12 ft. side yard to allow a 7.75 ft. ATM side setback (10) a variance from Section 1155.31(g)(3) of 15.7 ft. that a trash enclosure setback be a minimum of 20 ft. from lot line to allow 4.3 ft. (11) a variance from Section 1155.31(g)(1) that trash enclosures shall be 6 ft. in height to allow 8 ft. , and (12) a variance from Section 1183.04(c) of 2 ft. from the required 24 ft. minimum parking aisle width to allow a 22 ft. parking aisle, and (13) a variance from Section 1183.17(c) that the minimum distance between two driveways along Chippewa Road shall not be less than two hundred (200) feet, to allow 81.19 ft., and (14) a variance from Section 1183.17(c) that the minimum distance between two driveways along Brecksville Road shall not be less than two hundred (200) feet, to allow 49.09 ft. located at 8889 Brecksville Road, PP# 601-35-001.

Bruce Rinker, Mansour Gavin, LPA, Tim Meseck, The Architects Partnership, Ltd and Seth Berk, JP Morgan Chase Bank spoke to the Board regarding their appeal. Mr. Rinker spoke about the code with relation to Section 1197.11, and stated that under our code the Board of Zoning Appeals does have the right to do use variances, which he felt was unusual. He discussed the narrowness and shallowness of the lot and stated that it was almost impossible to do any building on the site without some type of variance for setbacks. He explained that they had a study performed and a transportation planner on the project. They looked at curb cuts, ATM, dumpsters and parking spaces, all of it had been discussed at length to provide a safe efficient site design.

Tim Meseck, spoke to the Board regarding the different variances. Mr. Meseck stated that the lack of loading space was due to the type of deliveries they have. There are not a lot of box trucks, mostly just cash deliveries. The 18 ft. parking spaces have been done in a number of their other locations, and was very successful. It also allowed for foundation plantings. Mr.

Meseck stated that as far as the ATM traffic, part of the request for the variances is the separation of pedestrians from vehicular traffic, and specifically vehicular for the ATM drive thru.

Mr. Rose commented that there are a lot of variances, which alerted the Board as to whether this is the right spot for the project. Mr. Rose stated that the Board has read the minutes from Planning Commission and it seemed as though they were struggling with it as well. Mr. Rose confirmed with the Mayor that Planning Commission did approve this at their last meeting. The Mayor stated that was correct. Mr. Rose asked Mr. Meseck about the traffic flow and possibly moving the building to the center of the lot. Mr. Meseck stated that as far as use was concerned, this project was less impactful than the gas station use. It really comes down to the parking situation and allowing for customer and employee parking. There will be 8 employees on any given shift. He explained that banking is different today than it used to be. They have Chase client services, which is a longer banking commitment, i.e. loans, mortgages, and CD's as opposed to just cashing checks, which is now being utilized by the walk up or drive up ATM. They will have 25 total parking spaces, which had been determined on accounts and investigative studies internally on what they expect this site to do long term.

Mr. Rose asked Mr. Meseck, if there was not an ATM, they would eliminate a significant number of variances needed. Mr. Meseck stated that the ATM is a critical component to what they do. The building does require variances regardless, because of tucking it in the corner, but yes the quantity of variances would be reduced. Mr. Rose stated that if the building wasn't placed in the corner, it wouldn't need some of the variances. Mr. Meseck stated that they did start out with a site that was much different than what is presented today. They did start out with it centrally located and to meet the zoning requirements along with the ATM, but there were still several variances that would be needed. Mr. Rose asked if there are Chase branches that don't have ATM's. Mr. Meseck stated that it is a critical part for their business. There are certain urban areas that don't have them. Seth Berk, JP Morgan Chase Bank, explained further, that drive up ATM's are critical to their business.

Mr. Hasman asked if it was possible to locate the ATM away from the site. Mr. Berk stated that it would create customer confusion if it wasn't located on the site.

Mr. Rose asked about the dumpster variance. Mr. Meseck stated their company standard is 8 ft, and although they have done 6 ft. in the past they prefer 8 ft.

Mr. Hall asked Mr. Meseck if they had considered putting the building in the northeast corner instead of the southwest corner. Mr. Meseck stated that their original plans was to build it near the northeast corner, but in working with Planning Commission and Engineering their request was to pull the building tight to the corner to meet the massing of the adjacent property to the south.

Mr. Rose asked if the current business had parking variances for the stalls. Mr. Synek stated that they did not.

Mr. Hasman asked if there will be sufficient room for pedestrians to move around that corner. Mr. Meseck stated that they have looked at it, and yes there will be sufficient room for pedestrian and vehicular traffic. There are 12x12 vision triangles at the hard corner to make sure that anyone turning right would see pedestrians, bicycle traffic, or anything that is coming down Brecksville Road, and have time to react. Mr. Hasman asked for clarification on the setback measurements from Brecksville and Chippewa Roads. Mr. Meseck stated that along Chippewa Road you have approximately 5 ft. to the sidewalk and about 8 to 9 ft. to the building. Along Brecksville there is a larger area which is 5 ft. plus 20 ft. Mr. Hasman stated that the building is 3000 sq. ft. and asked how much smaller would the building have to be to alleviate a lot of the dimensional problems. Mr. Meseck stated that was hard to answer because the building setbacks is what was driving the request. They could go with a 20 ft. parking space setback and remove some landscaped area. Their preference was not to do that, because it is nice to have foundation plantings. They could also make the driving aisle 22 ft. instead of 24 to the north and shift the building more towards the south property line.

Mayor Hruby asked Mr. Meseck what their plan was to do with the snow that will accumulate in the winter. Mr. Meseck stated that they have an area for snow removal for short term storage and showed him the locations on the overhead screen. The plan is to address it right away and get it to the areas where they can manage it. The Mayor asked for further clarification. Mr. Meseck stated that they have containment areas which will be a grass area, where they will push it over the curb and contain it in those areas. Mr. Berk stated that they have facility managers that are part of Chase Services, and are on site to manage it. If it gets unmanageable, there are instances where they haul it off site. Mayor Hruby had a concern that the space along Chippewa Road will somewhat impede the traffic in and out of their site as well as the traffic next door, which will remain a coffee shop of some sort, and asked if there was adequate space to deal with that. Mr. Berk stated that they will keep it out of the right of way, and with the concern for the neighbor next door, it will have to be managed by their facility management company to make sure that is not happening, they want to be a good neighbor.

Mr. Rose asked for a site line drawing showing what it will look like when driving up to the building from Chippewa Road. He had safety issue concerns with relation to pedestrians and traffic. Mr. Meseck had presentation boards that he explained to the Board.

Mr. Hasman questioned the entrance and stated that it looked like a two story building, but it really isn't. He asked if it would be possible to do a real two story building and change the size of the building. Mr. Meseck stated that a second floor would not be feasible for them.

Ms. Roberts wanted clarification that the second floor is strictly aesthetic. Mr. Meseck stated that the second floor is strictly for massing purposes. There will be a grey out film on the windows and it will look as though the lights are out on the second floor at all times.

Mr. Hasman asked if there was a basement. Mr. Meseck stated that there is not, it is a slab on grade, which is their standard model. The other thing that is impacting the development of the site is removing the tanks from the gas station use, and any contaminated material on site. Mr. Hasman asked, that from an environmental standpoint, wouldn't the tanks need to be removed. Mr. Meseck stated that all the tanks and underground utilities will be removed.

Mr. Rose wanted to further discuss Mr. Hasman's point that they need 3000 sq. ft. to operate their business, and although it is not their preference, could they use the second floor and shrink the building footprint, which would alleviate some of the issues. Mr. Rose stated that they already have a two story building, why not utilize it. Mr. Berk stated that from a customer experience standpoint they do not like multi-story buildings. From operating several locations, keeping everything on one level, creates a consistent customer experience. Mr. Rose stated that the employees could be on the second floor and keep customers on the main level. Mr. Berk stated that would eliminate them from talking to their customers when they see them come in the bank. Mr. Hasman clarified with Mr. Berk, that there is no way to make the building smaller and still operate effectively. Mr. Berk stated that they could not operate the way they want to there. Their standard prototype is 3500 sq. ft. so they have taken it down to 3000 sq. ft. Mr. Hasman asked if they have received any feedback from local merchants in the area. Mr. Berk stated that he has not received any, but Don Lastoria had received positive feedback. Mr. Hasman stated that the main concern is economics, and there really is not any alternative to what they are proposing. Mr. Berk stated that it is not purely economic, but it factors into it, there are certain costs that they have to hit to maintain their goals to make it a profitable site. It is not just economic, it goes back to customer experience, the customer is the center of everything they do. Mr. Hasman was trying to pinpoint their hardship and the reason they are here today. Their hardship is economics and customer experience.

Bruce Rinker, Mansour Gavin, stated that from his standpoint this property is zoned for this type of use and is permitted. He wanted to explain the process to the Board and what they have gone thru since the beginning of the year. There has been a lot of attention to detail for site design, material and the two story look. As Mr. Berk mentioned, the idea was to try to get the size and floor plan down to a point where it functions well on the site with other considerations. All they are asking, is for the Board to recognize there are practical difficulties for any kind of development on the site. It is a permitted use, that they feel, adds a lot to the community. In talking with the City up to this point, it has really been a focus to build something that makes a statement of quality. They have shared their position on the location, the position the building, and also the safety concerns. Their goal is to try to put a building in the center of town at our square, and there are signature aspects to The City of Brecksville, that this site development will try to marry. There is a balance in dealing with dimensional challenges and operational needs.

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

Mr. Rose suggested that when it comes to voting on this appeal, that they may want to consider breaking the variances down, instead of voting all or nothing.

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

Appeal 2017-44

Remology Inc. for Ron Stease for a variance from Section 1151.25(d) of 278 sq. ft. from the maximum 144 sq. ft. to allow 422 sq. ft. for the construction of a pool cabana located at 5171 Miller Road, PP# 604-04-005.

Joe Byington, Remology Inc. and Ron Stease spoke to the Board regarding their appeal. Mr. Byington stated that the reason for their variance is to accommodate the pool equipment inside the pool cabana along with a bathroom and a place to change. Mr. Rose stated that in this particular case, the code is the hardship, there is no way to have a cabana and have it be functional.

Ms. Roberts asked to see the elevation of the building on the overhead screen. Mr. Stease stated that what was being shown was the side view of the structure. There is an overhang with a pad facing the pool. Mayor Hruby asked which street the structure was facing. Mr. Stease stated that it was facing Miller Road and the back faces Highland Drive.

Mr. Rose stated that the Board received a letter from Kevin Kwiatkowski, 9967 Highland Drive, that had no problem with their project. His property directly abuts Mr. Stease's property.

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 2017-45

Petros Homes for a variance from Section 1151.24, which requires a minimum 5 ft. side yard and a total of two side yards of 20 ft., to allow a minimum 5.5 ft. side yard and a total of 13 ft. for the construction of a new single family dwelling located at 10141 Village Lane, PP# 605-15-021.

Chad Enders and David Binder, Petros Homes, spoke to the Board regarding their appeal. Mr. Enders stated that he is asking for a variance for their new development, The Village. He stated that the variance was minor. It is for the deck not the home and is over 2 ft. towards the wetlands area to maximize the use of the property. It allows them to view the openness and the nature that is next to them.

Mr. Hall asked if this was just for this one property. Mr. Enders stated that was correct, there is also an open space to the left of this property.

Mayor Hruby stated that Petros Homes just planned this and got approval thru the Planning Commission. The Board was told at that time that everything including the decks would fit within the footprint that was established, and asked why this didn't fit in the parameters that were established. Mayor Hruby felt that this was just the beginning of everyone coming to the Board for the same kind of variance. Mr. Enders stated that the reason this is a special case, is that there is an open space in between on the left side of this property. If this was another lot and the same situation, they would not have to go to the Board, because they wouldn't have allowed it. Mr. Enders stated that he could not guarantee that the customer to the left would not ask for a variance, but it is only because of the open space and the wetlands area. On a regular lot, they should stay within the parameters that were set.

Mr. Hasman made the comment that this variance is really a preference, not a hardship. Mr. Enders stated that Mr. Hasman was right, but it does satisfy the customers need. He explained it while they showed it on the overhead screen.

Ms. Roberts expanded on Mayor Hruby's point, and asked Mr. Enders where else they would be able to potentially face other variances, and how many. Mr. Enders stated that he can't see into the future, but he would say where they have issues is on the tighter home sites. This would typically be on the Newport Model which is the larger of the models that they have.

Mr. Hasman asked if they could just put a window on the side of the home for a better view. Mr. Binder stated that it is just the deck, the home setback is o.k.

Mr. Rose wanted the record to reflect that the Board received an email from Tony Szpak, 10146 Deer Run, that was opposed to the variance.

Mr. Rose opened up questions to the audience.

A resident from Snowville Road wanted to know where the development was located.

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

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

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

Absent: None

Others: Building Inspector Synek, 16 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF OCTOBER 9, 2017

Motion by Mr. McCrodden, seconded by Mr. Hall to approve the Regular Meeting Minutes of October 9, 2017, as recorded.

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

MOTION CARRIED

APPEAL 2017-40

Motion by Mr. Hasman, seconded by Mayor Hruby, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 minimum required 125 ft. front yard setback, to allow a 114.5 ft. for the construction of an attached garage and 107.5 ft. for a front porch on a non-conforming house located at 10143 Barr Road, PP# 604-13-005.

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

MOTION CARRIED

APPEAL 2017-41

Motion by Mayor Hruby, seconded by Ms. Roberts, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.25(d) of 256 sq. ft. from the maximum 144 sq. ft. to allow 400 sq. ft. for the construction of a pool cabana located at 6571 Summer Wind Drive, PP# 604-20-025.

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

MOTION CARRIED

APPEAL 2017-42

Motion by Mrs. Veras, seconded by Mr. Hall, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 of 8 ft. from the minimum required

60 ft. rear yard setback to allow 52 ft. for the construction of a deck and gazebo located at 6540 Glen Coe Drive, PP# 603-18-047.

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

MOTION CARRIED

Before the vote Mr. Rose asked the appellant or any of the Board members if they wanted to split the vote, there was no comment, and the Board went ahead with the vote.

APPEAL 2017-43

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 1183.04(c) requirement that parking spaces be a minimum of 10 ft. x 20 ft. to allow parking spaces that are 10 ft. x 18 ft., and (2) a variance from Section 1155.32 of 94.9 ft. from the minimum required 100 ft. front yard building setback from Brecksville Road to allow 5.1 ft., and (3) a variance from Section 1155.32 of 92 ft. from the minimum required 100 ft. front yard building setback from Chippewa Road to allow 8 ft., and (4) a variance from Section 1155.32 of 15.7 ft. from the minimum 20 ft. parking / drive setback on the north side, to allow 4.3 ft., and (5) a variance from Section 1155.32 of 8 ft. from the minimum 20 ft. driveway setback on the east side, to allow 12 ft. and (6) a variance from Section 1183.20 that there be a minimum of 1 loading facility to allow 0, and (7) a variance from Section 1183.09(a)(3) that an ATM have a minimum of 6 stacking spaces to allow 4, and (8) a variance from Section 1155.32 of 45 ft. from the minimum required 100 ft. front setback to allow a 55 ft. front yard setback for an ATM, and (9) a variance from Section 1155.31(c) of 4.25 ft. from the minimum required 12 ft. side yard to allow a 7.75 ft. ATM side setback (10) a variance from Section 1155.31(g)(3) of 15.7 ft. that a trash enclosure setback be a minimum of 20 ft. from lot line to allow 4.3 ft. (11) a variance from Section 1155.31(g)(1) that trash enclosures shall be 6 ft. in height to allow 8 ft. , and (12) a variance from Section 1183.04(c) of 2 ft. from the required 24 ft. minimum parking aisle width to allow a 22 ft. parking aisle, and (13) a variance from Section 1183.17(c) that the minimum distance between two driveways along Chippewa Road shall not be less than two hundred (200) feet, to allow 81.19 ft., and (14) a variance from Section 1183.17(c) that the minimum distance between two driveways along Brecksville Road shall not be less than two hundred (200) feet, to allow 49.09 ft. located at 8889 Brecksville Road, PP# 601-35-001.

ROLL CALL: Ayes: Roberts, Hall, Hrubby, Veras, McCrodden, Rose
Nays: Hasman

MOTION CARRIED

APPEAL 2017-44

Motion by Ms. Roberts, seconded by Mr. Hall, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.25(d) of 278 sq. ft. from the maximum 144 sq. ft. to allow 422 sq. ft. for the construction of a pool cabana located at 5171 Miller Road, PP# 604-04-005.

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

APPEAL 2017-45

Motion by Mr. Hall, seconded by Mrs. Veras, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24. which requires a minimum 5 ft. side yard and a total of two side yards of 20 ft., to allow a minimum 5.5 ft. side yard and a total of 13 ft. for the construction of a new single family dwelling located at located at 10141 Village Lane, PP# 605-15-021.

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

REPORT OF COUNCILMEMBER VERAS

Mrs. Veras stated that at the October 17, 2017 meeting, the six appeals passed by the Board of Zoning Appeals were approved by City Council. Mrs. Veras also reported that the Legislation Committee and City Council were meeting again tomorrow evening to further discuss changes to the code.

REPORT OF MAYOR HRUBY

Mayor Hruby congratulated Mr. Rose for being elected to City Council, and stated that they are awaiting the results of the tie to see whether he will have a two or a four year term. Mr. Rose will be sworn in on January 2, 2018, at their Organizational meeting. Mayor Hruby stated that they will have to replace Mr. Rose's position as Chairman on this Board. Mayor Hruby also reported that Mr. Hasman has asked to be reappointed to the Board of Zoning Appeals and City Council made the decision that he should be reappointed. The City's Christmas Parade will be on November 26, 2017, at 4:00 p.m.

BZA ORDINANCE DISCUSSION

Mr. Rose wanted to open up further discussion to hear any comments that the Board may have regarding fences, accessory structures and air conditioning units. Mr. Rose stated that he is unable to attend tomorrow's meeting, but that Mrs. Veras will relay the comments and suggestions from tonight's meeting.

Mr. Hasman made the comment that he felt that a lot more people would be putting up 6 ft. fences, where they may not want to go through the process and procedure now to ask for a higher fence. He felt there would be a sudden influx in the number of fences that go up. Mr. Rose felt that we should be cautious on the location of the fence. Ms. Roberts made the point that it never has been a rubber stamped process when a fence came before the Board. She stated that the

Board has taken each case individually and evaluates it. Mr. Rose asked for an informal vote on whether or not they want the ordinance to stay the way it is. The majority of the Board voted not to change the ordinance.

Mr. Rose stated that with regards to accessory structures, 144 sq. ft. was obviously too small for pool cabanas, gazebos and related structures. There was talk about size of lot and house determining size of structure.

Mrs. Veras stated that they will be talking about air conditioning units on the side. The Mayor stated that it was a noise abatement issue, which now has been resolved by technology. Generators will stay in the rear and not be changed, because of the noise issue related with those units.

There was also a brief discussion regarding RV's, work trucks and installing sidewalks.

Motion by Mr. Hasman, seconded by Ms. Roberts to close the Regular Meeting at 9:08 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