

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

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

Absent: None

Others: Building Inspector Synek, 12 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 2017-34

Ted & Cheryl Barr for a variance from Section 1151.25(d) of 176 sq. ft. from the maximum allowed 144 sq. ft. to allow 320 sq. ft. for the construction of a shed located at 7170 Ashlawn Drive, PP# 601-03-017.

Ted Barr spoke to the Board regarding his appeal. He explained that he would like to build a shed a little larger than what is allowed. He explained that he has a pie shaped lot which tapers in the back, and he can't make the garage any bigger. Mr. Barr stated that the main reason for needing the variance, was that it was getting harder to cut the grass, there is a big slope in the back. He would like to purchase a riding lawnmower and there is not enough room in the shed to store extra things in it. Mr. Barr checked with his neighbors and they were fine with it. There is no one in their backyard because it slopes down in the rear.

Mr. Rose clarified that his hardship was that he would not have enough room to store the equipment he needed to maintain his yard. Mr. Barr explained that his kids were away, and it is harder for him to cut the grass. A riding mower would allow him to cut his own grass so he would not have to rely on anyone.

Mr. Hasman asked Mr. Barr if it would replace the current shed that is on the property now. Mr. Barr stated that the old one would be torn down. Mr. Hasman stated that it would be surrounded by large trees, and asked if he would be removing any of them. Mr. Barr stated that he would not be. He marked the location with a hose so that the Board could see the dimensions. He will keep the current shed until the other one is built so that he can transfer things over to it and then he will tear it down.

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

Appeal 2017-35

Higham Construction for Jeff Holkovic for a variance from Section 1151.24 of 16 ft. from the minimum required 60 ft. rear yard setback to allow 44 ft. for the expansion of an existing deck located at 4835 Valleybrook Drive, PP# 604-03-097.

Bill Higham and Jeff Holkovic spoke to the Board regarding the appeal. Mr. Higham stated that there is an existing deck that was already given a variance when the house was built so that there would be egress from the rear elevated sliding glass door. The deck that is currently there is 8 ft. out from the door. The owners are left with a small deck off the back of the house, which is an inconvenient and not very usable. Their plan is to expand it to get a little more breathing room.

Mr. Rose asked if he had spoken with his neighbors. Mr. Holkovic stated that he had and there was no objection. Mr. Holkovic passed out pictures of the deck, and stated that the hardship in this case, is that with the table it is so crowded that you can barely get past the chairs. It is an elevated deck and is the only exit from the house. They are just looking to make it 6 ft. longer. Unfortunately, when this house was built it was built right to the 60 ft. setback line, which he was unaware of when he purchased the house.

Mayor Hruby stated that this had been a historic problem for this street, and some other streets in the City. When the developer came to the Planning Commission to add this section of the development to the houses that were already built, there was an issue of whether they could fit a house along with a deck, without any variances. The developer said they could, not knowing how small they would be. That is why the Board has had many of these variances before them. Mayor Hruby stated that it is not Mr. Holkovic's doing, it was the developer.

Mr. Rose asked Mr. Synek if we granted a variance previously for this deck. Mr. Synek stated that there was a variance granted for the previous deck in the 1990's. The Mayor stated that almost every one of them had a variance. Mr. Rose wondered that when this all occurred with the developer back then, did they try to get a larger deck and the developer said no. The Mayor stated that the builder never wanted to come back to get the variance to install a larger deck on these homes.

Mr. Holkovic passed around an overhead shot of all his neighbors, and all their decks extend well beyond his, so they were either given a variance or just built that way. The Mayor stated that the Board granted a lot of variances there.

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

Appeal 2017-36

Mark Bowers for a variance from Section 1151.25(d) of 404 sq. ft. from the maximum 660 sq. ft. to allow 1064 sq. ft. for the demolition and reconstruction of a detached garage located at 11619 Snowville Road, PP# 605-18-002.

Mark Bowers spoke to the Board regarding his appeal. He stated that his hardship was that both of his parents passed away and he inherited vehicles from them. He explained that he just wanted to add 16 ft. to the existing garage so that he can store the vehicles in it. He asked his neighbor about it and he had no problem with it.

Mr. Rose clarified with Mr. Bowers that with the garage that he currently has, does not have room to store the inherited vehicles. Mr. Bowers stated that was correct. Mr. Rose asked if he made any inquiries as to places that he could store the vehicles. Mr. Bowers stated that he would have to pay to store them, and they are nice vehicles and you want to keep them heated. Mr. Rose asked Mr. Synek if he would be allowed to have two garages. Mr. Synek stated that he could have two garages. Mr. Rose explained that this could be a solution to building a 1064 sq. ft. garage, no variance would be needed. Mr. Bowers stated that he did not know he could have two garages on his property.

Mr. Hasman asked if the vehicles were antique vehicles. Mr. Bowers stated that one was an antique and one is brand new. He also has a tractor. Mr. Hasman asked that selling them would not be an option. Mr. Bowers stated that he would like to keep the antique vehicle because it was his father's. His mother just passed away five weeks ago, but he might sell her car. but for the time being he would need a place to store it. Mr. Hasman asked how long it would take him to build the garage. Mr. Bowers stated about a month and a half.

Ms. Roberts was asking Mr. Bowers for clarification. She wanted to know if he was actually demolishing the entire garage and starting over. He stated that he was going to tear down what was there and rebuild. He stated that if he was able to build a second garage, that may be an option as well.

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

Appeal 2017-37

NuVision Construction for Renee Koly for a variance from Section 1326.01 to install an air conditioning unit on the side of the house instead of the rear as required by code located at 7571 Deer Path Drive, PP# 603-19-036.

Don Kizy, NuVision Construction spoke to the Board regarding the Koly's appeal. He stated that they are doing a 1400 sq. ft. hardscape addition to the back of the house. There are two air conditioning units right now. The one by the garage can easily be moved to the back of the garage, but the other would have to be moved 45 ft. because of the patio and the raised wall.

Mr. Rose clarified that his hardship was a line issue. Mr. Kizy stated that he was told by his heating contractor that anything over 15 ft. makes the unit run less efficient. The unit runs at 70 decibels, so it doesn't really make a lot of noise. He submitted a letter from the neighbor on the right side that was fine with it. Mr. Rose asked if the unit would be appropriately screened. Mr. Kizy stated that it would be.

Mr. Rose asked Mr. Synek his opinion on the decibel rating with relation to regulations. Mr. Synek stated that there are no regulations on decibels, and he couldn't recall any complaints that the Building Department had received regarding a noisy air conditioner. Mr. Kizy went on to explain the placement of the two air conditioners.

Mr. McCrodden asked if the placement was going to be where it is now temporarily stored. Mr. Kizy stated that it was.

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

Appeal 2017-38

KNL Homes for Jeff & Sue Dailey for a variance from Section 1326.01 to install two air conditioning units on the side of the house instead of the rear as required by code located at 6780 Rivercrest Drive, PP# 601-04-004.

Todd Folden, KNL Homes spoke to the Board regarding the Dailey's appeal. Mr. Folden explained that the home actually has three furnaces, and two air conditioners that they were able to locate in the rear of the home on a stoop, but ran out of room there because of the patio, the walk-out and the windows to the pool. They needed a location for the third unit for the mechanical room and also an air system for the pool to filter the air. All the pool equipment is in the basement in the mechanical room.

Mr. Rose clarified with Mr. Folden that his hardship is that there is no space in the rear of the home. Mr. Folden stated that was correct, and being close to the mechanical room was important. Mr. Folden stated that they built a small wing wall on the home to screen the units. There are woods on the one side and no neighbor on the other. All the other neighbors on the street are fine with it.

Mr. McCrodden stated that the wing wall was very small, and asked if there was any reason that the wall could not be raised and wrapped around those units so they are not visible from the street. Mr. Folden stated that landscaping would screen it better, and felt that if you raised the wing wall it would look out of balance with the home. Mr. McCrodden asked Mr. Folden if the owner would be okay with adding an amendment to the variance that the units will be screened with arborvitae. Mr. Folden stated that they would absolutely be fine with it, they have every intention on screening it.

Mr. Hasman had a discussion with Mr. Folden regarding the wrapping of the stone wall. Mr. Folden did not feel it was a good solution, due to having to bring the wall out further and then turn it. Mr. Rose did confirm that he would install some sort of screening with arborvitae of some kind. Mr. Folden stated that he would.

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

Appeal 2017-39

Broadview Heating & Air Conditioning for Bernhard Karthan, Jr. for a variance from Section 1326.02 to install a generator on the side of the house instead of the rear as required by code located at 7271 Canyon Point Circle, PP# 605-11-029.

Tom Olecki, owner, Broadview Heating & Air Conditioning spoke to the Board regarding Bernhard Karthan's appeal. Mr. Olecki stated that they proposed a generator for the Karthans, and they were hired to install it. The only place left to install the unit was on the side of the home. The rear of the home is very steep, it goes down into a valley three or four feet behind the home. The air conditioner is on the side of the home now and they are proposing to install it in the same location as the air conditioner. It is approximately 50 ft. from the neighbor's home, and their air conditioning unit is on the side as well.

Mr. Rose asked Mr. Olecki if there was any objection from the neighbor. Mr. Olecki stated that he did not know. Mr. Olecki went on to explain that his hardship is the nature of the lot. There is really no other place to install it and believed that is why the air conditioner is placed on the side as well. Mr. Rose mentioned that a variance was granted for the air conditioner in 2002.

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
October 9, 2017**

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

Absent: None

Others: Building Inspector Synek, 12 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF SEPTEMBER 11, 2017

Motion by Mr. Hall, seconded by Mrs. Veras to approve the Regular Meeting Minutes of September 11, 2017, as recorded.

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

MOTION CARRIED

APPEAL 2017-34

Motion by Ms. Roberts, seconded by Mrs. Veras, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.25(d) of 176 sq. ft. from the maximum allowed 144 sq. ft. to allow 320 sq. ft. for the construction of a shed located at 7170 Ashlawn Drive, PP# 601-03-017.

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

MOTION CARRIED

APPEAL 2017-35

Motion by Mr. McCrodden, seconded by Mrs. Veras, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 of 16 ft. from the minimum required 60 ft. rear yard setback to allow 44 ft. for the expansion of an existing deck located at 4835 Valleybrook Drive, PP# 604-03-097.

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

MOTION CARRIED

APPEAL 2017-36

Motion by Mr. Hasman, seconded by Mr. McCrodden, that the Board of Zoning Appeals Recommend to City Council approval for a variance from Section 1151.25(d) of 404 sq. ft. from the maximum 660 sq. ft. to allow 1064 sq. ft. for the demolition and reconstruction of a detached garage located at 11619 Snowville Road, PP# 605-18-002.

ROLL CALL: Ayes: Roberts, Hall, Veras, McCrodden, Rose
Nays: Mr. Hasman
Abstain: Mayor Hruby
MOTION CARRIED

After the vote, Mayor Hruby explained that the reason for his abstention, was because Mr. Bowers is an employee of the City, and wanted to make that known as part of public record.

APPEAL 2017-37

Motion by Mrs. Veras, seconded by Ms. Roberts, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1326.01 to install an air conditioning unit on the side of the house instead of the rear as required by code located at 7571 Deer Path Drive, PP# 603-19-036.

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

APPEAL 2017-38

Motion by Mayor Hruby, seconded by Mrs. Veras, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1326.01 to install two air conditioning units on the side of the house instead of the rear as required by code, located at 6780 Rivercrest Drive, PP# 601-04-004.

Motion by Mr. McCrodden, seconded by Mrs. Veras, that the motion be amended with the following, **provided that the two units are adequately screened with arborvitae, in front and on the side, so they are not visible from the street,**

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

APPEAL 2017-39

Motion by Mr. Hall, seconded by Mrs. Veras, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1326.02 to install a generator on the side of the house instead of the rear as required by code located at 7271 Canyon Point Circle, PP# 605-11-029.

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

BZA ORDINANCE DISCUSSION

Chairman Rose stated that he would like to again table the ordinance discussion. The Legislation Committee along with the Law Director have been working on some of the changes that this

Board had discussed. There will be a meeting on October 18, 2017, and Mr. Rose stated that he will be attending that meeting regarding fence height and air conditioning units, those are the two things on the agenda right now. If anyone on the Board would like to contact him regarding any comments prior to the meeting, he would be happy to pass it along. Mayor Hruby stated that the committee wanted Mr. Rose to attend, and they invited him to speak on behalf of the Board. The Mayor stated that they did discuss several other issues, but decided rather than getting them all done in one night and fail, it would be better to discuss two or three at a time. Mr. Rose will share their discussion with the Board in November.

REPORT OF COUNCILMEMBER VERAS

Mrs. Veras stated that at the September 19, 2017 meeting, the four appeals passed by the Board of Zoning Appeals were approved by City Council.

REPORT OF MAYOR HRUBY

No Report.

Motion by Mr. McCrodden, seconded by Mr. Hasman to close the Regular Meeting at 8:07 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