

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
September 11, 2017**

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

Absent: Kathleen Roberts

Others: Building Inspector Synek, 11 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 2017-30

Kyle & Christina Ziegler for (1) a variance from Section 1151.25(d) of 348 sq. ft. from the maximum 660 sq. ft. to allow 1008 sq. ft, and (2) a variance from Section 1181.11(b) of 8 in. from the maximum 15 ft. building height to allow 15 ft. 8 in, and (3) a variance from Section 1151.26(1) to permit an accessory structure in the side yard instead of the required rear yard for the construction of a detached garage located at 10143 Barr Road, PP# 604-13-005.

Kyle and Christina Ziegler spoke to the Board regarding their variance. Mr. Ziegler stated that they are asking for three different variances to build a garage in the side yard. He stated that they had contacted their immediate neighbors around their property, and out of the four immediate neighbors, they obtained three signatures of approval, Jackie Piscura, 10155 Barr Road, Almut Teuffel, 10115 Barr Road, and Thomas Kern, 10124 Barr Road. The neighbor they did not get a signature from, they spoke to in the past about their project. Mr. Ziegler stated that each neighbor was provided with the information and were told about the meeting in case they had any concerns, but they were all in favor of it. Mr. Ziegler stated that they are tearing down a small structure 11 x 14. The reason they want a larger structure is because of the storage of lawn equipment, they have a 2.25 acre property that they need to upkeep, as well as wanting to keep all the automobiles inside the garage instead of outside on the driveway. He explained also that as a hobby he likes cars, and a smaller space would not allow him to store or work on them. They tried different plans to attach the garage addition, but they just did not work aesthetically. The way the house is laid out, they would lose some nice features in their kitchen, and this was their best option. Mr. Ziegler stated that five years ago he was unaware that there was a restriction for putting the garage on the side. Placing the garage in the backyard would require a large amount of fill dirt due to the foundation and the backyard sloping downhill. If the garage was in the rear it would also block their view from their sunroom. He showed pictures of the proposed garage from the street on the overhead screen and explained that it will be hidden by trees and to their neighbors from the north. Mr. Ziegler went on to explain the reason for the 8 in. height increase. He stated that he would like to have a 16x8 ft. door in case he has a full size truck, a 7 ft. high door would be tight.

Mr. Rose asked Mr. Synek if there was a topographical survey available. Mr. Synek had a site map but not a survey with grading. Mr. Rose clarified with Mr. Synek that if this structure was pushed back so that the front part of the garage was facing the street, even with their rear building line, they would not need a variance. Mr. Synek stated that was correct. Mr. Rose explained it to Mrs. Ziegler, that if they pushed it back, one of their variances would be eliminated. Mr. Ziegler stated that there are three large trees and he also had firewood stacked there, and showed Mr. Rose on the overhead screen. Mrs. Ziegler stated that visually it is better where they are proposing it. She also stated that the further you go back, there is a lot of puddling of water. Mr. Ziegler explained the terrain in the back and stated that if they were going to place it in the rear they would need truckloads of fill. He would also be staring at a garage from his sunroom. Mr. Rose stated that he understood that he would not want to have to look at the garage, but the code states that a garage is to be placed in the rear yard, everyone has to look at their garages. Mr. Rose confirmed with Mr. Ziegler that they have tree issues and terrain issues. Mrs. Ziegler stated that there are drainage issues in the back yard.

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

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

Appeal 2017-31

Christine Dubiel for a variance from Section 1151.24 of 5.5 ft. from the minimum required 10 ft. side yard setback to allow 4.5 ft. for the construction of a deck on a non-conforming house located at 6932 Westview Drive, PP# 603-21-043.

Mrs. Dubiel stated that they are asking for a variance for the construction of a deck due to a non-conforming house. She went on to explain that where the deck would have to be placed to be code compliant at 10 ft., only half of their door would be leading out to the deck. The double door would not line up correctly. Mr. Dubiel stated that they have a 16x16 pad and they just want to build the deck over it. Mr. Rose confirmed with Mr. Synek, that this is due to the house being non-conforming. Mr. Synek stated that was correct. Mrs. Dubiel stated that their neighbors were in attendance this evening.

Mr. Rose opened up questions to the audience. Mr. Milan Milenkovic, 6944 Westview Drive, came in support of their project.

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

Appeal 2017-32

Thomas & Meredith Sitko for a variance from Section 1151.29(a) that a maximum of one (1) garage is permitted (attached or detached) to allow the construction of a second garage (detached) located at 7036 Arlington Street, PP# 601-34-070.

Mr. Sitko stated that they currently have a very small garage which is only 8 ft. wide and they cannot get both cars in it. They would like to apply for a variance to place a detached garage in the back of the house. They looked at different locations and if they went straight back they

would have to take down some trees which they did not want to do. Mr. Rose confirmed with Mr. Sitko that the placement was not an issue. Mr. Sitko stated that was correct. Mr. Sitko stated that they got signatures from both their neighbors. They do plan on renovating the current garage, they would like to put a den in there. Mrs. Sitko stated that they love their house and their neighborhood.

Mayor Hruby asked which neighbors approved of the project. Mr. Sitko stated that George Polly, 7042 Arlington Street, and Anna Hruby, 7030 Arlington Street. Mrs. Sitko stated that copies were included with the packet.

Mr. McCrodden asked how the fence was working out for them. Mrs. Sitko stated that it was wonderful, especially with what was going on at the old McDonald's.

Mayor Hruby explained that at the old McDonald's location, the greenspace that is there right now will remain and be expanded, so that there will be less parking in the back.

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

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

Appeal 2017-33

John Lewis, Inc. for a variance from Section 1183.05, a minimum 60 parking spaces required, to allow 24 parking spaces for an office addition located at 10325 Brecksville Road, PP# 605-21-006.

Patrick Thornton, Architect, Sixmo Inc. and Don Dacone, owner, spoke to the Board. Mr. Thornton explained that they are proposing an addition about 1200 sq. ft. on the front of the building. There are 27 existing parking spaces, which they would like to reduce to 24 spaces. The actual occupants for the building is 22. There will be 12 engineers and a maximum of 9 people in the shop space. He stated that the reason there are so few in the shop is because of the large cranes and they can't put a lot of people there.

Mr. Dacone stated that currently the front of the building faces a 175 ft. setback, and now the addition will be 25 ft. towards the street bringing the setback to 150 ft. Mr. Dacone stated that he never needed that much parking. He explained that his company builds high tech machines for the government, and went on to explain his business to the Board. He passed out a flyer on his company to the Board, stating all the lots there are 1100 ft.

Mayor Hruby explained to the Board that Council granted an incentive last week to this company, they have plans to expand their presence in the United States. Mayor Hruby confirmed with Mr. Thornton that they will have 22 employees. Mr. Thornton stated that was correct.

Mr. Hasman asked about guests they may have for the business. Mr. Dacone stated that the company does not deal with the public at all. It may just be a supplier and they come by appointment only.

Mr. Hall stated that it appeared that they have land where they could expand. Mr. Dacone stated that all the lots there are 1100 ft. and they could expand the parking if it was ever needed at a later date.

The Mayor stated that it was a 5 year lease.

Mr. Rose asked Mr. Thornton and Mr. Dacone if they could recollect why there were originally only 20 some spaces and why they didn't need 60 spaces when they built. Mr. Rose also wondered if there was ever a variance. Mr. Dacone stated they were given a variance.

Mr. Hasman confirmed with Mr. Dacone that they have enough room for 60 parking spaces in the back. Mr. Thornton explained it on the overhead screen, and stated that because of the storm water retention area and adding 15 to 20 more spaces you start to get into some terrain that drops down to that area. Mr. Hasman stated that the issue is, that they would have to construct an additional driveway in order to accommodate more spaces. Mr. Dacone stated that there wouldn't be an additional driveway because the trucks pull straight in. Another reason for that amount of parking spaces was because of truck turn around. Mr. Hasman stated, then that is why they are limiting the amount of spaces as opposed to putting in more. Mr. Thornton stated that it also increases the demand of storm water runoff. Mr. Rose stated that it is basically designed to keep trucks from backing out into the street.

Mr. McCrodden stated that this was reviewed by the Planning Commission recently and wondered if there was any report from the meeting.

Mayor Hruby stated that the Planning Commission was in favor of it.

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

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

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
September 11, 2017**

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

Absent: Kathleen Roberts

Others: Building Inspector Synek, 11 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF AUGUST 7, 2017

Motion by Mr. McCrodden, seconded by Mr. Hall to approve the Regular Meeting Minutes of August 7, 2017, as recorded.

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

MOTION CARRIED

APPEAL 2017-30

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 1151.25(d) of 348 sq. ft. from the maximum 660 sq. ft. to allow 1008 sq. ft, and (2) a variance from Section 1181.11(b) of 8 in. from the maximum 15 ft. building height to allow 15 ft. 8 in, and (3) a variance from Section 1151.26(1) to permit an accessory structure in the side yard instead of the required rear yard for the construction of a detached garage located at 10143 Barr Road, PP# 604-13-005.

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

MOTION CARRIED

APPEAL 2017-31

Motion by Mr. Hall, seconded by Mr. Hasman, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 of 5.5 ft. from the minimum required 10 ft. side yard setback to allow 4.5 ft. for the construction of a deck on a non-conforming house located at 6932 Westview Drive, PP# 603-21-043.

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

MOTION CARRIED

APPEAL 2017-32

Motion by Mrs. Veras, seconded by Mr. McCrodden, that the Board of Zoning Appeals Recommend to City Council approval for a variance from Section 1151.29(a) that a maximum of one (1) garage is permitted (attached or detached) to allow the construction of a second garage (detached) located at 7036 Arlington Street, PP# 601-34-070.

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

Nays: None

MOTION CARRIED

APPEAL 2017-33

Motion by Mr. Hasman, seconded by Mr. Hall, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1183.05, a minimum 60 parking spaces required, to allow 24 parking spaces for an office addition located at 10325 Brecksville Road, PP# 605-21-006.

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

Nays: None

MOTION CARRIED

REPORT OF COUNCILMEMBER VERAS

Mrs. Veras stated that at the August 15, 2017 meeting, the four appeals passed by the Board of Zoning Appeals were approved by City Council. Mrs. Veras also reported that the Legislation Committee is meeting with the Law Director this Wednesday to discuss possible changes to the code regarding pergolas, pavilions, pool houses, fences, recreational vehicles, air conditioners and other items.

Mr. Rose stated that the Board of Zoning will have their discussion regarding those matters at the next meeting in October. Mayor Hruby stated that he doubted the Legislation Committee will take any formal action on Wednesday. They will probably discuss ideas, and the Law Director will make some recommendations. The committee will circulate the information to Planning Commission and Board of Zoning for review.

REPORT OF MAYOR HRUBY

The Mayor had no report, but mentioned that the last appeal was part of an Economic Development Program, and could lead to an expansion in the City, which is very good. The Mayor also mentioned that he wanted the Board Members to be added to all City emails.

COMMENT FROM BOARD OF ZONING PRESIDENT ROSE

Mr. Rose reported that he received a letter from the Timbers Homeowner's Association asking the Board to forward information on any future variance requests to the committee for approval to ensure compliance. Mr. Rose clarified that the City does not enforce Homeowner Deed Restrictions.

Motion by Mrs. Veras, seconded by Mr. Hasman to close the Regular Meeting at 8:18 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