

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
December 10, 2018**

Present: Hall, Hasman, Hrubby, Kingston, McCrodden, Rose

Absent: Roberts

Others: Building Inspector Synek, 6 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 2018-51

Ray and Kristen Stefanski for a variance from Section 1151.26(2) a minimum of 10 ft. from the side property line, to allow 5 ft. for a shed located at 9460 Greystone Parkway, PP# 603-20-063.

Ray Stefanski spoke to the Board regarding their appeal. He explained that the shed he was installing was standard, and had already been approved, but without the variance that he was requesting tonight. Mr. Stefanski went on to explain, that the hardship that he had, was on the eastern most part of his property, where there are two easements, one being a gas easement, and the other a storm water easement. Both do not prohibit him to build on them, but stated that if there was an issue, anything that was built there could be destroyed, so he can't put anything on that portion of the property. He explained the layout on the overhead screen to the Board, and pointed out the trees, stating the biggest issue were the large mature oak trees that are along the back of the property. They are very tall and nice and provide a lot of shade in his yard. Mr. Stefanski stated that the other issue he had, was from the catch basin on the south east corner. The surrounding properties have a tendency to drain towards that catch basin, and he explained it on the overhead screen, where the low spots were, where the water runs off from the neighbors. The neighbor to the west, which is where the side yard setback is next to, seems to drain off between where he proposed placing the shed and some of the trees. There is a french drain in the rear that the previous owner installed, and Mr. Stefanski stated that he didn't think it was viable to build on top of something like that, especially with all the water that flows back thru there. An attempt to try and level the ground out for the shed, would stop the water, but force it to flow elsewhere or wash out the shed. There is also a ditch in the rear. Mr. Stefanski stated that he did mark it off on his property, it is 8 to 10 inches from the nearest tree. Mr. Stefanski explained that he tried to get it as close as he could before he knew there was an issue with the side lot line. He went on to explain, that to install it elsewhere would require extensive grading and or removing some of the trees, it would cost more, and he is doing all the work himself.

Mr. Hasman asked if it would be possible to move it to the north of the catch basin. Mr. Hasman stated that he knew it would be near the utility easements, and wanted to know if they were underground easements. Mr. Stefanski stated that you can't build anything on top of the gas easement, or plant on top of it. Mr. Stefanski went on to explain that he walked Greystone Parkway, and cited addresses of sheds that were closer to the lot line than 10 ft. He felt it was not unusual for his neighborhood.

Mr. Rose asked Mr. Stefanski if he had spoken with his neighbors. Mr. Stefanski stated that he had, and they were in the audience.

Mr. Hall mentioned that in his paperwork that was submitted to the Board, that he had his property surveyed, and noted that there was a stake west of the shed and asked if that was a surveyed stake. Mr. Stefanski stated that he did have it surveyed previously, but that stake was marked by him when he measured. Mr. Hall asked if he based it off the survey. Mr. Stefanski stated that his survey stake is within an inch or so.

Mr. Kingston stated that he had the shed framed, and asked if he had planned on putting it on a concrete slab. Mr. Stefanski stated that he had not.

Mr. Rose opened up questions to the audience.

Susan Eshelman, 9456 Greystone Parkway spoke to the Board. She stated she lived directly next door. She stated that because there are large oak trees in the rear, she suggested putting it 10 ft. over, which would be exactly to the right side of the oak tree and Mr. Stefanski wouldn't have to move anything, or be on top of anything. She stated it was very wet back there in that area. She also stated that the neighbor that moved, had a playset in that area to the right of those two large trees, and it was one of the driest spots.

Mr. Stefanski agreed with Ms. Eshelman, stating she was right, it was very wet. He stated, that area where she mentioned is dry, but it is not level unfortunately. The only way to do it with the installation of the base of the shed is to bring in some dirt. With all those trees, there are large roots and he couldn't just dig thru them. Additionally, the ground tapers off and it would have to be filled in. There are other places to put it, but not without a considerable amount of effort.

Mr. Rose confirmed with Mr. Stefanski, that terrain is the main issue with the shed placement. Mr. Stefanski stated that was correct, along with water run-off. Mr. Stefanski stated a couple of weeks ago, when he raked for the last time this year, there was 6 to 8 inches of standing water back there. Mr. Rose asked what his plans were for the area next to the shed, and if he plan on landscaping something there that he did not have to maintain. Mr. Stefanski stated that he thought of planting Green Giant arborvitae on the side and potentially along the back. They are somewhat tolerant to wet conditions. Mr. Rose asked Mr. Stefanski if he had any objection if the appeal was amended, with the condition, that if it passed, he would install some kind of screening for his neighbor, so

that they would not have to look at the side of the shed. Mr. Stefanski stated that would be fine. He also thought of some red bud trees that flower in the spring.

Mr. Rose asked his neighbor, Mrs. Eshelman, if that took care of some of her concern with the placement of the shed. Mrs. Eshelman didn't say anything, but shook her head no.

Mr. Kingston, asked Mr. Synek, hypothetically, if the shed was moved to the right of the trees, would the property line for the house behind it at 4555 come into play. Some of the lots are pie shaped, or would it still be ok. Mr. Synek stated that its current setback is 10 ft. from the property line and is doable on either side of the trees. Mr. Stefanski mentioned that the drainage also cuts in there.

Mr. Rose asked if the shed was going to be built with posts in the ground or if he was just going to set it on the ground. Mr. Stefanski stated that he is going to level it there, but then just set it on the ground on three 4 x 4 runners.

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

MOTION CARRIED

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
December 10, 2018**

Present: Hall, Hasman, Hruby, Kingston, McCrodden, Rose

Absent: Roberts

Others: Building Inspector Synek, 6 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF NOVEMBER 12, 2018

Motion by Mayor Hruby, seconded by Mr. McCrodden, to approve the Regular Meeting minutes of November 12, 2018, as recorded.

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

Nays: None

MOTION CARRIED

Before the vote, Mr. McCrodden stated that he would read an amended motion that would include the planting of arborvitae next to the shed.

APPEAL 2018-51

Motion by Mr. McCrodden, seconded by Mr. Hall, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.26(2) a minimum of 10 ft. from the side property line, to allow 5 ft. for a shed, **including planting of arborvitae screening, satisfactory to the Building Department** located at 9460 Greystone Parkway, PP# 603-20-063.

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

Nays: Kingston

MOTION CARRIED

REPORT OF COUNCILMEMBER ROSE

Mr. Rose stated that City Council approved all the appeals from the November 12, 2018, Board of Zoning meeting. Mr. Rose went on to report that City Council was busy on a number of very important projects that are going on in the City. Mr. Rose stated that it is an exciting time in Brecksville for the transformative capital projects that are going on, that will serve this community for many, many years. He wished everyone a Merry Christmas.

REPORT OF MAYOR HRUBY

Mayor Hruby wished everyone a Merry Christmas and a Happy New Year. He also thanked the Board Members for their service and commitment to this Board.

Motion by Mr. Hasman, seconded by Mr. Hall to close the Regular Meeting at 7:51 p.m. **MOTION CARRIED**

THE BRECKSVILLE BOARD OF ZONING APPEALS

DENNIS ROSE, CHAIRMAN

KATHLEEN ROBERTS, VICE CHAIRMAN

BRUCE MCCRODDEN, SECRETARY

Public Hearing and Regular Meeting recorded by Gina Zdanowicz