

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
March 12, 2018**

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

Absent: McCrodden

Others: Building Inspector Synek, 13 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 2018-11

Mike & Katie Campbell for a variance from Section 1151.24 of 10 ft. from the minimum required 125 ft. to allow a 115 ft. front yard setback for a rear yard addition on a non-conforming house located at 8545 Wiese Road, PP# 602-11-014.

Mike Campbell spoke to the Board regarding his appeal. He explained that they would like to build an addition on the back of their house. Currently his house is non-conforming, and the majority of his house sits in the front of the required front yard setback. A portion of the addition in the back needs an additional 10 ft. to meet the setback requirement. Mr. Campbell stated that it is the only place on the property that they can build the addition, the other side has a detached garage.

Mr. Rose clarified with Mr. Synek that there is only a front yard setback issue, and anything that you would build would require a variance. Mr. Synek stated that was correct, it was a non-conforming house.

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

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

MOTION CARRIED

APPEAL 2018-12

Shepp Electric Co., Inc. for Denise Stease for a variance from Section 1326.02 to install a generator in front of the house, which abuts three streets, instead of the rear as required by code located at 5171 Miller Road, PP# 604-04-005.

Craig Shepp, Shepp Electric Co, Inc, spoke to the Board on behalf of Denise Stease. Mr. Shepp stated that their basement was finished and they need to access the natural gas outside. He went on to explain that the house abuts three streets, but if you are actually looking at the house, the generator is not going to be placed on the front of the house, it will be placed on the side.

Mr. Rose clarified that their hardship was, if they wanted to place it in the rear of the house, it would require significant demolition on the inside to run the electric. Mr. Shepp stated that was correct. Mr. Rose asked if they intended on screening the unit. Mr. Shepp stated that they would. Mr. Rose asked if their neighbors had been contacted. Mr. Shepp stated that he assumed they were.

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 2018-13

Shepp Electric for Thomas Ganley 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 9416 Brecksville Road, PP# 603-16-015.

Craig Shepp, Shepp Electric spoke on behalf of Thomas Ganley. Mr. Rose stated that this appeal was the same issue as Appeal 2018-12. Mr. Shepp stated that was correct. Mr. Rose asked Mr. Shepp if their neighbors were contacted. Mr. Shepp stated that he was not aware, but the Board of Zoning signage was posted, and the house is in the middle of the woods.

Mr. Rose opened up questions to the audience.

The neighbor at 9438 Brecksville Road, spoke to the Board. He stated that he could see Mr. Ganley's house from his property and asked about the noise of the generator and the manufacturer. Mr. Rose stated that the generator will do a test run once a week or month for approximately ten minutes at a time, and then when the power goes out. Mr. Shepp stated that the manufacturer of the generator was Generac. The neighbor stated that when he sits on his deck he would be able to hear it, but then stated that he assumed he wouldn't be outside on his deck in bad weather when the generator would run.

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

APPEAL 2018-14

Timothy & Elaine Perdion for a variance from Section 1151.24 of 15 ft. from the minimum required 60 ft. rear yard setback to allow 45 ft. for the construction of an attached pavilion located at 4805 Valleybrook Drive, PP# 604-03-094.

Jay Schwartz, The Ohio Valley Group, spoke to the Board regarding Mr. and Mrs. Perdion's appeal. Mr. Schwartz explained the project that was displayed on the overhead screen. He stated that the pavilion that will be attached on the back side of the house with a fireplace on the end of it. Mr. Schwartz explained that it would not be a see thru fireplace.

Mr. Rose clarified that the pavilion will be see thru. Mr. Schwartz stated that was correct. Mr. Rose asked Mr. Schwartz to explain why the pavilion won't comply with code. Mr. Schwartz stated that it extends 45 ft. from the house and the code only allows a 60 ft. rear yard setback. The reason for the variance is because of the utility of the structure. You need steps to come out of the house, and it takes up room in the pavilion, which doesn't leave much room to have furniture and sit comfortably. Mr. Rose asked if their neighbors had been contacted. Mr. Schwartz stated that the sign was posted, and asked Ms. Perdion. Ms. Perdion stated that she had not called any neighbors and had not heard from anyone.

Mr. Hasman stated that in looking at the picture of the pavilion on the overhead screen, he noticed a concrete pad with a chair sitting on it, and wondered if the 15 ft. variance extends beyond the roof line of the pavilion. Mr. Schwartz stated that the picture on the overhead screen was a picture of a similar project, not the Perdions. Mr. Hasman stated that if they reduced the size of the pavilion, he would have to remove the fireplace and literally a third of the structure. Mr. Schwartz stated that was correct, and the steps take up 3 ft. of the room.

Mr. Rose asked Mr. Synek if there were any other issues with the pavilion. Mr. Synek stated there were not, it met code other than that.

Mayor Hruby asked if a 24x20 pavilion was standard. Mr. Schwartz stated that it was, usually they are right in that size category. Mayor Hruby made mention that it doesn't seem that large. Mr. Schwartz explained that if you go much smaller then you get into the range in size where rain will start to go in the pavilion.

Mr. Hasman stated that his only other concern, was the neighbor at 5559 Valleybrook Drive, which is the neighbor directly behind the house. Mr. Hasman stated that Mr. Schwartz probably could not comment on that. Mr. Schwartz explained that even now without foliage on the trees there is not much visibility, and with the foliage it will be screened.

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

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

APPEAL 2018-15

Justin Ostry for a variance from Section 1151.25(d) of 128 sq. ft. from the maximum 192 sq. ft. to allowed 320 sq. ft. for the construction of a shed located at 6743 Farview Road, PP# 601-06-011.

Mr. Ostry spoke to the Board regarding his appeal. He explained that they would like to build a shed that is 320 sq. ft. Their hardship is that they have a relatively small home, 1040 sq. ft, with a two car garage. They have just under an acre of property, and have a large amount of lawn and yard equipment, which are currently in and along side of their garage. Mr. Ostry went on to list the many items that he owned that required a good amount of space to store.

Mr. Rose asked Mr. Synek if the shed had a height issue. Mr. Synek stated that it did not. Mr. Rose stated for the record, that the Board received emails from Thomas J. Stanek, Jr. 6811 Farview Road, and Mike Paoletto, 6731 Farview Road, that were both fine with the shed.

Mr. Hasman stated that his only comment was that his neighbor, Mr. Stanek, stated that he understood that the variance was for an additional 10 sq. ft. of footage, but Mr. Hasman stated that the variance was much larger than that. Mr. Rose stated that was a good catch and comment.

Mr. Rose clarified with Mr. Synek that the setbacks met code. Mr. Synek stated that was correct.

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

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

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
March 12, 2018**

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

Absent: McCrodden

Others: Building Inspector Synek, 13 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF FEBRUARY 12, 2018.

Motion by Mr. Hall, seconded by Mr. Kingston to approve the Regular Meeting Minutes of February 12, 2018, as recorded.

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

MOTION CARRIED

APPEAL 2018-11

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 of 10 ft. from the minimum required 125 ft. to allow a 115 ft. front yard setback for a rear yard addition on a non-conforming house located at 8545 Wiese Road, PP# 602-11-014.

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

MOTION CARRIED

APPEAL 2018-12

Motion by Mayor Hruby, seconded by Mr. Hasman, that the Board of Zoning Appeals

recommend to City Council approval for a variance from Section 1326.02 to install a generator in front of the house, which abuts three streets, instead of the rear as required by code located at 5171 Miller Road, PP# 604-04-005.

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

MOTION CARRIED

APPEAL 2018-13

Motion by Ms. Roberts, seconded by Mr. Hall, 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 9416 Brecksville Road, PP# 603-16-015.

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

MOTION CARRIED

APPEAL 2018-14

Motion by Mr. Hall, seconded by Ms. Roberts, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 of 15 ft. from the minimum required 60 ft. rear yard setback to allow 45 ft. for the construction of an attached pavilion located at 4805 Valleybrook Drive, PP# 604-03-094.

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

MOTION CARRIED

APPEAL 2018-15

Motion by Mr. Hasman, seconded by Ms. Roberts, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.25(d) of 128 sq. ft. from the maximum 192 sq. ft. to allowed 320 sq. ft. for the construction of a shed located at 6743 Farview Road, PP# 601-06-011.

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

MOTION CARRIED

REPORT OF COUNCILMEMBER ROSE

Mr. Rose reported that at the February 20, 2018, City Council meeting all the appeals that were recommended by the Board were approved. Mr. Rose also reported that the last City Council meeting was a momentous day for the City of

Brecksville, because they took possession of the Veterans Administration property, and entered into an agreement with the DiGeronimo Development LLC. to develop the property.

REPORT OF MAYOR HRUBY

No Report.

Motion by Mr. Hasman, seconded by Mr. Hall to close the Regular Meeting at 7:54 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