

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

Present: Roberts, Hall, Hasman, Hruby, Kingston, McCrodden, 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 2018-47

Robert and Susan Moore for a variance from Section 1326.01 to install an air conditioning unit in front of the house instead of the side or rear as required by code located at located at 9447 Riverview Road, PP# 606-03-001.

Robert Moore spoke to the Board regarding his appeal. He stated that they sit 75 ft. higher than Riverview Road, and stated that you can barely see the cabin from the road. He explained on the overhead screen, the orientation of the cabin, and went on to explain that the code dictates that the front of their house faces Riverview Road, but in reality, Riverview Road is really the side of their home. If they were to place the unit where it would be code compliant, it would be in the middle of one of their porches. Mr. Moore stated that there are three porches that are located on three of the four sides of the home, so that is why they decided to ask for the variance for that location. Mr. Moore stated that it was the most inconspicuous place, and they are approximately 120 ft. from Riverview Road.

Mr. Rose clarified with Mr. Synek, that even though the house doesn't face the street, the front of the house is the street side. Mr. Synek stated that was correct. Mr. Rose clarified the footage from the road. Mr. Moore stated that it was 120 ft. to the right of way not to the street. Mr. Rose asked Mr. Moore if he had spoken with any neighbors. Mr. Moore stated that he had not, that there are no close neighbors. There are no sidewalks, so there isn't really any pedestrian traffic, except for the railroad side. Mr. Rose explained that the code is really is a noise abatement issue, but couldn't imagine that anyone would be able to hear the air conditioning unit where he is located.

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

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

MOTION CARRIED

APPEAL 2018-48

Friar Home Improvement for Brian Midlik for (1) a variance from Section 1151.24 a minimum 10 ft. side yard setback to allow 6 ft., and (2) a variance from Section 1151.24 a minimum 30 ft. total side yards to allow 24 ft. for the construction of an addition located at 8505 Sunnydale Drive, PP# 601-13-019.

Mike Midagliotti, Friar Home Improvement, spoke to the Board regarding his appeal. He explained that as part of a larger project, the homeowner wanted to add on a third car garage and master bedroom above the existing family room on the first floor. The homeowner is looking for additional storage and room for an additional car.

Mr. Rose asked if there was any feasible way to do this, and still be code compliant. Mr. Midagliotti stated that he didn't think there was another way it could be done. Mr. Rose mentioned that this was the second addition that was installed on the home, the first one being in 2013, asking for a front yard setback.

Mr. Rose asked Mr. Midagliotti to explain his hardship. The homeowner, Brian Midlik, explained it to the Board. He explained that he is looking to upgrade the home and have additional storage and add another space for an additional car. He stated that part of their issue is the shape of the lot, which is pie shaped. He explained it on the overhead screen to the Board. Mr. Rose clarified with Mr. Midlik, that storage is one of the issues for the request. Mr. Midlik stated that he had two children and are working on a third. They have acquired a lot of things, and it is mostly a storage issue. Mr. Midlik stated that they love their house and neighborhood and that is why they are adding on an addition.

Mr. Hasman asked Mr. Midlik if he considered adding a shed instead of a three car garage for storage. Mr. Midlik stated that they currently have a storage shed, and their basement space is limited in their house. Mr. Hasman clarified that they intend to widen the existing driveway to allow access to the third garage. Mr. Midlik stated that they were. Mr. Hasman asked if it would affect the large oak tree that is there. Mr. Midlik stated that long term, they would consider taking it out, but for now it is fine, it doesn't have to be taken down. Mr. Hasman asked if he had spoken with his neighbors, particularly, the neighbor on the left. Mr. Midlik stated that he had, and said that he was present this evening.

Mr. Rose opened up questions to the audience.

Mr. Angelo Naso, 8495 Sunnydale Drive, spoke to the Board, and stated that he had no problem with Mr. Midlik's project.

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

MOTION CARRIED

APPEAL 2018-49

James and Maria Humel for (1) a variance from Section 1151.25(d)(1) maximum 660 sq. ft., to allow 965 sq. ft., and (2) a variance from Section 1181.11(b) 15 ft. maximum building height to allow 18.25 ft. height for the construction of a detached garage located at 10614 Fitzwater Road, PP# 602-03-014.

James and Maria Humel spoke to the Board regarding their appeal. Mr. Humel explained that the code allowed 660 sq. ft. and the garage itself, was 780 sq. ft. The porch that extended out on the side of the garage is another 200 plus sq. ft. They are also requesting the height to be 18.25 ft.

Mr. Rose asked if they will be storing things on the second floor of the garage. Mr. Humel explained that they have lived in their home 27 years and love it, but have outgrown it. It is a 1953 brick ranch and they are maxed out for storage. They will also be using the garage for potting, as his wife is an avid gardener. Mr. Rose asked if there would be any utilities in it other than electrical. Mr. Humel stated that there would not be. Mr. Rose clarified that it won't be used as a living space. Mr. and Mrs. Humel stated that was correct. Mr. Humel stated that they have spoken with six of their contiguous neighbors and they were all fine with it. Mr. Rose asked about the neighbor directly behind them on Cardinal Lane. Mr. Humel stated that a young couple moved in, as Mr. Jaite passed away, and they have not gotten in touch with them. They contacted them three times and they were not home. The other two behind them did not have a problem. Mr. Rose asked Mr. Humel the square footage of the porch. Mr. Humel stated that it was 240 ft.

Mr. Hasman asked what the reason was to ask for an increase on size from the last time they asked for a variance. Mr. Humel stated that they came to the Board the last time but it didn't have anything to do with the design of the garage. They found this garage, and really liked the design of it. Ms. Humel explained that it goes with the home and is a craftsman shaped garage. They are spending more money on the look of the garage because they wanted to make sure everyone liked it. She stated that her next door neighbor loved it. Mr. Hasman also asked for clarification of the height of the garage, asking if it was 25 ft. Mr. Humel stated that was correct. Mr. Humel explained again that they are really desperate for storage space. They had considered adding on to their house, but in order to do that, they would have to change the whole front of their home to make it look right. Ms. Humel explained the layout of their home on a drawing. Mr. Humel stated that if they were to do that, they would still need to ask for variances.

Mr. McCrodden asked if they had considered alternatives to meet their storage without the building being at 25 ft. high at the peak. Mr. McCrodden stated that it seemed disproportioned to the surrounding structures. Ms. Humel explained that they have a raised ranch, and that all the houses on Fitzwater are different styles and sizes, it is a unique street. She also stated that they have many oak trees in the rear of their property and you won't be looking at the building you would be looking at the beauty of the oak trees. She felt that it would not stand out. Their neighbors that would see it are very happy with the design. Mr. McCrodden stated that sometimes the Board will separate out

the vote when there is more than one variance, and asked if their two variances are tied and relate together. Both Mr. and Mrs. Humel stated that they are, if they had one and not the other they could not do it. Mr. Humel stated that it is rather secluded in the rear, and they won't be able to see it that much. They have 100 ft. of back yard and if they made the garage shorter and longer it would take up a lot of his back yard.

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

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

MOTION CARRIED

APPEAL 2018-50

Rinello Builders for Joe & Cheryl Kosek for (1) a variance from Section 1181.11(a) maximum roof area over 30 ft. is limited to 10% of ground floor, to allow 13.61% and, (2) for a variance from Section 1119.09(d) not to install public sidewalks until such time that the City deems appropriate, for the construction of a single family dwelling located at 8067 Pershing Drive, PP# 601-07-025.

Joe Kosek spoke to the Board regarding their appeal. He explained their project on the overhead screen, and stated that because of the walk out basement, the variance was needed. Mr. Kosek stated that 80% of the house conformed with the elevation, but when you calculate the walk out basement, that is what caused the need for a variance.

Mr. Rose clarified with Mr. Synek that if they did not have a walkout basement the variance would not be needed. Mr. Synek stated that was correct.

Mr. Kosek stated that the way the drainage was designed and where the house was located, it was the most aesthetically pleasing, because they have the view of the ravine behind them. He also stated that the neighbor will be looking at the part of the home that is code compliant, the rest of the home that does not comply is further away from the neighbor.

Mr. Hall asked if the existing garage will be taken down. Mr. Kosek stated that it will be taken down. Mr. Hall clarified that the setbacks meet code. Mr. Kosek stated that was correct.

Mr. Synek reminded the Board about the public sidewalk request as well. Mr. Rose understood and clarified that they would install the public sidewalk if and when the City deemed they would be installed. Mr. Kosek agreed, stating he would install them now if needed.

Mr. Rose opened up questions to the audience.

Mr. Doug Hedrick, 8053 Pershing Drive, spoke to the Board. He wanted an explanation on the part of the house that complied with code. Mr. Kosek explained it on the overhead screen.

Mr. Rose stated that the terrain and the walk out basement was the cause for the variance. Mr. Kosek explained that the part of the home that is out of conformity, the 20% where there is the most amount of setback, also has an acre easement that runs parallel to his property. Mr. Rose stated that Farview Road and Pershing Drive is also a neighborhood with different size houses, but that they still take into consideration what is being proposed.

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

MOTION CARRIED

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

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

Absent: None

Others: Building Inspector Synek, 12 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF OCTOBER 8, 2018

Motion by Mayor Hruby, seconded by Mr. Hall, to approve the Regular Meeting minutes of October 8, 2018, as recorded.

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

Nays: None

MOTION CARRIED

APPROVAL OF THE 2019 BOARD OF ZONING CALENDAR

Motion by Mr. McCrodden, seconded by Mr. Kingston that the 2019 Board of Zoning Calendar be approved as submitted.

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

Nays: None

MOTION CARRIED

APPEAL 2018-47

Motion by Mr. Hasman, seconded by Mayor Hruby, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1326.01 to install an air conditioning unit in front of the house instead of the side or rear as required by code located at located at 9447 Riverview Road, PP# 606-03-001.

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

Nays: None

MOTION CARRIED

APPEAL 2018-48

Motion by Mr. McCrodden, seconded by Mayor Hruby, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1151.24 a

minimum 10 ft. side yard setback to allow 6 ft., and (2) a variance from Section 1151.24 a minimum 30 ft. total side yards to allow 24 ft. for the construction of an addition located at 8505 Sunnydale Drive, PP# 601-13-019.

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

APPEAL 2018-49

Motion by Mayor Hruby, seconded by Ms. Roberts, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1151.25(d)(1) maximum 660 sq. ft., to allow 965 sq. ft., and (2) a variance from Section 1181.11(b) 15 ft. maximum building height to allow 18.25 ft. height for the construction of a detached garage located at 10614 Fitzwater Road, PP# 602-03-014.

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

APPEAL 2018-50

Motion by Ms. Roberts, seconded by Mr. Hall, that the Board of Zoning Appeals recommend to City Council approval (1) a variance from Section 1181.11(a) maximum roof area over 30 ft. is limited to 10% of ground floor, to allow 13.61% and, (2) for a variance from Section 1119.09(d) not to install public sidewalks until such time that the City deems appropriate, for the construction of a single family dwelling located at 8067 Pershing Drive, PP# 601-07-025.

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

REPORT OF COUNCILMEMBER ROSE

Mr. Rose stated that City Council approved all the appeals from the October 16, 2018 Board of Zoning meeting.

REPORT OF MAYOR HRUBY

Mayor Hruby reported that the Christmas Parade and Tree Lighting Ceremony will be held on November 25, 2018, at 4:00 p.m. on Public Square. There will be a brief fireworks display during that ceremony. Mayor Hruby also reported that the Annual Christmas Play will be held on December 8 and 9, 2018, at 11:00 a.m. and 2:00 p.m. The Mayor stated that there are a list of holiday events in the Bulletin throughout the holiday season.

The Mayor also went on to report that the Express Clinic at Millside Center received their sign and will be opening. They offer another avenue for health care in the off hours 7 days a week. Lastly, Valor Acres, which is the former VA site, is well under way. At least 4 or 5 of the buildings have been cleared of their environmental issues. There will be a presentation to the CIC and Council, for the first 20% of the property that they are going to start developing, and they will probably clear first, which is on the south end of the property. There will be a 100,000 sq. ft. building going in there with a restaurant or two. The Mayor stated that there will be public hearings before it is brought to the Planning Commission, so that the public will have a chance to come and hear what is being proposed.

Mayor Hruby and Chairman Rose wished everyone a Happy Thanksgiving.

Motion by Mr. Hasman, seconded by Ms. Roberts to close the Regular Meeting at 8:06 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