

**MINUTES OF PUBLIC HEARINGS  
BRECKSVILLE BOARD OF ZONING APPEALS  
Community Room – Brecksville City Hall  
October 8, 2018**

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

Absent: None

Others: Building Inspector Synek, 3 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 2018-44**

Doug Foulkes for a variance from Section 1151.24 a minimum 60 ft. rear yard required to allow 39.76 ft. for a new single family dwelling located at 9726 Highland Drive, PP# 604-05-020.

Mr. Foulkes spoke to the Board regarding his appeal. He thanked the Board for listening to a second appeal, previously coming to the Board in August for a setback. He explained that the reason for his appeal this evening, was because he was told by the County that they could not use the approved sewer tie in that was on the plans. Mr. Foulkes stated that after talking with Gerry Wise, the City Engineer, as well as the Engineer from Cuyahoga County, they had to shoot topography for a new sewer location in a different area boring thru the street. Mr. Foulkes showed the Board the location on the overhead screen. He explained that the original tie in was on his side of the road, which was more convenient, and now with the change, he had to incur more of an expense to do it. He is now turning the placement of the home, and will have room now for a three car garage, which he had wanted. It is 18” closer to encroaching on the 60 ft. setback that code allows. Turning the home allows for him to have the original model home that his builder proposed.

Mr. Rose clarified that he is turning the home to meet the tie in for the sewer. Mr. Foulkes stated that originally there was an elevation issue with picking up the original proposed sewer tie in. He had 2 ft. to work with from the fall of the exit from his house to the tie in.

Mr. Hall asked if he would be adding 2 ft. to the elevation with the new plan. Mr. Foulkes stated that everything will be identical except for the third garage.

Mayor Hruby asked why they wouldn't let him have the sewer tie in where he wanted to. Mr. Foulkes stated that the City Engineer explained that it was a 6” sewer tie riser that comes up on their side of the property, Highland Drive. There are already two existing ties to that 6” sewer. Mr. Wise stated that if it was 8” riser they probably could have connected to it. Mayor Hruby asked if it would be less expensive to do what he is going to do now, instead of replacing the riser. Mr. Foulkes stated that they did not look into that, but it was

advised thru the County to pick up the next available sewer tie, which involves boring under the road, and was more of an expense to him. The County or the City of Brecksville would not allow a third tie in to that riser.

Mr. Rose asked if they had explored changing the riser to a 8 inch. Mr. Foulkes stated that they did not, that Mr. Wise said that it goes all the way under the street as a 6". Mr. Rose clarified that it was a capacity issue. Mr. Foulkes stated that was correct.

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

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

**MOTION CARRIED**

**APPEAL 2018-45**

United Homes for a variance from Section 1151.24, a 10 ft. minimum side yard required with a total of 30 ft. to allow a 7 ft. side yard with a total of 22 ft. for a deck located at 7706 Hillbrook Oval, PP# 601-36-092.

Bill Kramp, United Homes, spoke to the Board regarding his appeal. His clients that bought the home want to put a deck on the side of the house so that their view was the woods instead of the assisted living. Mr. Kramp explained that they just wanted a better view like everyone else on the street. Mr. Kramp explained that there won't be anyone living on that side where the deck will be, because it is green space. There is 50 to 60 ft. before they come to the bank property, and there will never be a house there.

Mr. Rose asked if Mr. Kramp if he had consulted the surrounding neighbors, and if there were any comments. Mr. Kramp stated that they asked what they were proposing to do, and he explained the project to them. Mr. Rose clarified that nothing prevented the deck from being built on the back. Mr. Kramp stated that was correct, they would just like to have a peaceful view at night. Mr. Rose also clarified that any side that he builds the deck on would encroach. Mr. Kramp stated that was correct, because the house is built on the building line. Mr. Rose asked what the size of the deck was. Mr. Kramp stated that it was 15x8.

Mr. Rose asked Mr. Synek if there was a way this could be done without a variance, maybe a patio disconnected from the house. Mr. Synek stated that they would still need a variance for the side yard. Mr. Rose asked if they could make it a patio. Mr. Synek explained that a patio is required to be 10 ft. off the property line. Mr. Kramp stated that it is a walk out lot, and they will be up 10 ft. Mr. Rose explained that he was trying to see if there was a way to build it without needing a variance. Mr. Kramp stated that he looked at all the options.

Mr. Hasman asked which side of the house the deck will be built on. Mr. Kramp stated that it will be on the right side of the home. Mr. Hasman stated that the deck will be facing the two trees that he is calling the woods. Mr. Kramp stated that it is the open space for the development. Mr. Hasman confirmed that it is not a property that will be built on. Mr. Kramp stated that was correct, it will be open space.

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

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

**MOTION CARRIED**

**APPEAL 2018-46**

Hurst Design Build Remodel for Tim & Megan Dardis for (1) a variance from Section 1185.03(a) of 2 ft. from the maximum 4 ft. fence height to allow a 6 ft. fence and (2) a variance from Section 1185.02(a) to install a privacy fence instead of the permitted types of fencing located at 8460 Brecksville Road, PP# 601-18-045.

Pat Hurst, Hurst Design Build Remodel, spoke to the Board regarding their appeal. Mr. Hurst explained that they are doing a two phase project, which is a large scale renovation of the home and the outdoor hardscape area. He went on to explain that they are reconfiguring the interior of the home, but how it relates to the fence, is that side of the property where they want to install the fence, is now their main outdoor living space. They have spoken with that neighbor at 8472 Brecksville Road, and both parties really want the fence. They are replacing the existing fence with a 6 ft. stockade type fence, but the gate would be a 4 ft. high aluminum black gate. It is meant to give them more privacy for both homeowners. Mr. Hurst explained that the air conditioning unit is right on the back corner of the house as well, and the fence will help buffer that, as well. They are only taking the fence back the length of the house. It will not extend any further, it is just for privacy along that drive area.

Mr. Rose asked Mr. Hurst if he considered planting arborvitae instead of installing a fence. Mr. Hurst stated that they do have arborvitae there, and showed Mr. Rose on the overhead screen. He stated that the owner had two large dogs that are well behaved, but there are new neighbors, and they have a dog as well, so they want to separate them. The fence will not be visible from the street. Mr. Hurst went on to explain that the grading of the land shifts there, there is a concrete curb that was there previously. Mr. Hurst stated that the new neighbor wants the privacy fence as well. Mr. Rose clarified that the issue was that the outdoor space is going to be on that side of the house. Mr. Hurst agreed and stated that his client wanted to do a small garden and utilize the fence with garden boxes. It will be a natural fit, because it is right off the kitchen. The air conditioning unit is also right where their outdoor living space will be.

Mr. Hasman asked if the white fence and the chain link fence would be removed. Mr. Hurst stated that they will be removed. Mr. Hasman clarified with Mr. Synek that if the fence was 4 ft. it would be compliant. Mr. Synek stated yes, but that they want to install a stockade type fence that is not allowed. Mr. Hasman asked if they had considered a 4 ft. fence. Mr. Hurst stated that due to the grading of the land it would not really help.

Mr. Kingston clarified that the fence is proposed to only go to the back of the house. Mr. Hurst stated that was correct, just to the back corner. The fence will be for privacy and

for their dogs. Mr. Kingston asked if the neighbor's dogs are on the other side of the arborvitae. Mr. Hurst stated that they were.

Mr. Hall asked Mr. Synek if the house was compliant for the side yard. Mr. Synek stated that he was pretty confident that it was. Mr. Hurst stated that it was. Mr. Hall asked if the house next door was compliant. Mr. Hurst stated that he did not know.

Mr. Rose asked if he was confident that he knew where the lot line was. Mr. Hurst explained that he was, and stated that the neighbor recently had a survey done when they purchased the home.

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

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

**MOTION CARRIED**

**MINUTES OF REGULAR MEETING  
BRECKSVILLE BOARD OF ZONING APPEALS  
Community Room – Brecksville City Hall  
October 8, 2018**

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

Absent: None

Others: Building Inspector Synek, 3 guests

**APPROVAL OF THE REGULAR MEETING MINUTES OF SEPTEMBER 10, 2018**

Motion by Mr. McCrodden, seconded by Mr. Kingston, to approve the Regular Meeting minutes of September 10, 2018, as recorded.

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

Nays: None

**MOTION CARRIED**

**APPEAL 2018-44**

Motion by Ms. Roberts, seconded by Mr. Hall, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 a minimum 60 ft. rear yard required to allow 39.76 ft. for a new single family dwelling located at 9726 Highland Drive, PP# 604-05-020.

Before the vote, Mayor Hruby asked if Mr. Foulkes had intended to remove his mother's driveway on Edgerton Road, or give her an easement. Mr. Foulkes stated that he intended on removing the driveway. Mayor Hruby asked where she would enter her property from. Mr. Foulkes stated that she will enter on Highland Drive, from the horseshoe driveway.

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

Nays: None

**MOTION CARRIED**

**APPEAL 2018-45**

Motion by Mr. McCrodden, seconded by Mr. Hasman, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24, a 10 ft. minimum side yard required with a total of 30 ft. to allow a 7 ft. side yard with a total of 22 ft. for a deck located at 7706 Hillbrook Oval, PP# 601-36-092.

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

**APPEAL 2018-46**

Motion by Mr. Hall, seconded by Ms. Roberts, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1185.03(a) of 2 ft. from the maximum 4 ft. fence height to allow a 6 ft. fence and (2) a variance from Section 1185.02(a) to install a privacy fence instead of the permitted types of fencing located at 8460 Brecksville Road, PP# 601-18-045.

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

**REPORT OF COUNCILMEMBER ROSE**

Mr. Rose stated that City Council approved all the appeals from September 18, 2018, Board of Zoning meeting. Mr. Rose also reported that there will be special City Council meeting held tomorrow evening to discuss the Four Seasons issue.

**REPORT OF MAYOR HRUBY**

No Report.

Motion by Mr. Hasman, seconded by Mr. Hall to close the Regular Meeting at 8:00 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