

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
April 13, 2015**

Present: Carl Opatrny, Robert Hasman, Mayor Hruby,
Kimberly Veras, Bruce McCrodden, Kathleen Roberts

Absent: Dennis Rose

Others: Building Inspector Synek, 4 guests

PUBLIC HEARINGS

Vice Chairman Roberts replaced Mr. Rose as Chairman this evening in his absence.

APPEAL 2015-06

Rick Stunek for a variance from Section 1151.25(d) of 144 sq. ft. from the maximum allowed 144 sq. ft. to 288 sq. ft. for the construction of a shed located at 9985 Barr Road, PP# 604-04-029.

Mr. Stunek spoke to the Board regarding his appeal. He explained that the property is just under 2 acres and he would like to build a shed that has a little more storage space than 144 sq. ft. He has several dead ash trees that need to be removed from his property, and has already removed sixteen but will still need to take down quite a bit more. He needs a great deal of equipment to maintain his yard, (i.e. tractors, wood splitters, etc.). Mr. Stunek explained that his plan is to put a 16x18 pad and place a 12x18 shed with a 4 ft. porch on it. There are evergreen trees as well as other trees surrounding the area, and felt that location would be the least obtrusive to his neighbors.

Ms. Roberts asked Mr. Stunek to describe his hardship. Mr. Stunek stated that he did not have enough space to store all the equipment that is needed to maintain his property.

Ms. Roberts opened up questions to the Board. Mr. Opatrny asked Mr. Stunek if he had spoken with his neighbors about the shed. Mr. Stunek stated that he spoke with both neighbors on each side of him and they were fine with it. He had not spoken to the neighbor behind him; they are in the process of developing the property and he was not sure who owned it. Mr. Stunek stated that he had not talked to neighbors across the street.

Mr. Hasman clarified with Mr. Stunek that he was currently storing his equipment in the garage and that the car was parked outside. Mr. Stunek stated that was correct, they have four cars.

Mayor Hruby stated that Mr. Stunek did a fine job in selecting a location for the shed; it is the least obtrusive to his neighbors.

Ms. Roberts opened up questions to the audience. Mr. Kevin Kwiatkowski spoke to the Board. He is the neighbor behind Mr. Stunek where the property is being developed. He lives at 9901 Spearhead Drive and received notice. He asked Mr. Stunek if the yellow stakes that were placed

in his back yard is where the shed would be placed. Mr. Stunek stated that was correct. Mr. Kwiatkowski affirmed that he agreed with the Mayor, and had no objection to him placing the shed in that location. He came this evening to offer his support.

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

MOTION CARRIED

APPEAL 2015-07

Pulte Homes for a variance from Section 1181.11(a) maximum roof area over 30 ft. is limited to 20% of ground floor, to allow 39.6 % for the construction of a new house located at 10210 Woodlands Drive, PP# 605-22-035.

Keith Filipkowski representing Pulte Homes spoke to the Board regarding their appeal. He stated that they have a specific home buyer who purchased this particular elevation and floor plan. They were adamant about their preference of architectural style and elevation on this particular lot, and knew it would require a variance. Mr. Filipkowski wanted to make note that this same elevation was previously approved on a different lot.

Mayor Hruby stated that he was not in attendance at the meeting when they came forward with the previous appeal. He asked Mr. Synek if the Board is getting into a similar situation as in the past regarding percentage on roofs. Mr. Synek stated that was correct. Mr. Synek stated that the R-30 is still at 20% limit of the floor area. Mayor Hruby stated that maybe the Board should rethink changing the law on R-30, because there are over 100 homes that will be built in this development, unless the Board didn't agree. Mr. Filipkowski agreed with the Mayor, and predicted that roughly 60% of the lots that they own will be a garden or walkout style home, and would have a hardship with terrain.

Mayor Hruby stated that we should look into it further and get the law changed.

Mr. McCrodden, seconded by Mrs. Veras to close Public Hearing.

MOTION CARRIED

APPEAL 2015-08

Pulte Homes for a variance from Section 1181.11(a) maximum roof area over 30 ft. is limited to 20% of ground floor, to allow 40.3 % for the construction of a new house located at 10217 Woodlands Drive, PP# 605-22-020.

Keith Filipkowski representing Pulte Homes spoke to the Board regarding their appeal. He explained that he has a home buyer again that wants to build on this lot with this specific elevation. Their hardship is the terrain, and they cannot stay in compliance with the roof requirements.

There were no questions from the Board or audience.

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

APPEAL 2015-09

Fifth Third Bank for (1) a variance from Section 1155.31(c) of 7.5 in. from the required 12 ft. side yard to permit an 11ft. 4.5 inch minimum side yard to the ATM, and (2) a variance from Section 1151.31(c) of 2 ft. from the required 12 ft. side yard to permit a 10 ft. minimum side yard at the canopy for an ATM located at 8801 Brecksville Road, PP# 601-35-022.

Peter Brunner, Project Manager for Fifth Third Bank spoke to Board regarding their appeal. He explained that this all originated from the Bank trying to stay current with their competition and install an ATM machine. They have worked extensively with The Planning Commission to come up with this particular location, and this was something that their customers were more or less demanding. It was really just a matter of inches with the awning and the ATM machine.

Mr. Hasman asked Mr. Brunner if he had spoken with anyone at the Assisted Living facility next door. Mr. Brunner stated that they had not. He explained the awning will have a down light on it, and there will be a series of can lights that will go on at night. There will also be a row of trees that will be planted, so it shouldn't be a problem.

Mr. McCrodden stated that about half way back on the building there are some gas meters which looked like they were pretty well exposed, and felt that the average motorist, particularly on a snow day, may not be cautious enough with those gas meters. He wondered if the Fire Department had any issue with it, and if so, would Mr. Brunner be willing to address it. Mr. Brunner stated that it was something that wasn't brought up, but they have protection bollards around it if someone did get off track.

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
April 13, 2015**

Present: Carl Opatrny, Robert Hasman, Mayor Hruby,
Kimberly Veras, Bruce McCrodden, Kathleen Roberts

Absent: Dennis Rose

Others: Building Inspector Synek, 4 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF MARCH 9, 2015

Motion by Mr. Hasman, seconded by Mr. Opatrny to approve the Regular Meeting Minutes of March 9, 2015 as recorded.

ROLL CALL: Ayes Opatrny, Hasman, Hruby, Veras,
McCrodden, Roberts

Nays: None

MOTION CARRIED

APPEAL 2015-06

Motion by Mr. McCrodden, seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.25(d) of 144 sq. ft. from the maximum allowed 144 sq. ft. to 288 sq. ft. for the construction of a shed located at 9985 Barr Road, PP# 604-04-029.

ROLL CALL: Ayes Opatrny, Hasman, Hruby, Veras,
McCrodden, Roberts

Nays: None

MOTION CARRIED

APPEAL 2015-07

Motion by Mr. Hasman, seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1181.11(a) maximum roof area over 30 ft. is limited to 20% of ground floor, to allow 39.6 % for the construction of a new house located at 10210 Woodlands Drive, PP# 605-22-035.

ROLL CALL: Ayes Opatrny, Hasman, Hruby, Veras,
McCrodden, Roberts

Nays: None

MOTION CARRIED

APPEAL 2015-08

Motion by Mr. Opatrny, seconded by Mrs. Veras, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1181.11(a) maximum

roof area over 30 ft. is limited to 20% of ground floor, to allow 40.3 % for the construction of a new house located at 10217 Woodlands Drive, PP# 605-22-020.

ROLL CALL: Ayes Opatrny, Hasman, Hruby, Veras,
McCrodden, Roberts

Nays: None

MOTION CARRIED

APPEAL 2015-09

Motion by Mrs. Veras, seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1155.31(c) of 7.5 in. from the required 12 ft. side yard to permit an 11 ft. 4.5 inch minimum side yard to the ATM, and (2) a variance from Section 1151.31(c) of 2 ft. from the required 12 ft. side yard to permit a 10 ft. minimum side yard at the canopy for an ATM located at 8801 Brecksville Road, PP# 601-35-022.

ROLL CALL: Ayes Opatrny, Hasman, Hruby, Veras,
McCrodden, Roberts

Nays: None

MOTION CARRIED

REPORT OF COUNCILMEMBER VERAS

Councilmember Veras stated that City Council passed all three items recommended by the Board of Zoning Appeals at their March 17, 2015 meeting.

REPORT OF MAYOR HRUBY

No Report.

The Regular Meeting was closed at 7:53 p.m.

THE BRECKSVILLE BOARD OF ZONING APPEALS

KATHLEEN ROBERTS, ACTING VICE CHAIRMAN

ROBERT HASMAN, SECRETARY

Regular Meeting recorded by Gina Zdanowicz