

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Council Chambers – Brecksville City Hall
August 10, 2015**

Present: Kathleen Roberts Carl Opatrny, Robert Hasman, Dennis Rose

Absent: Mayor Hruby, Kimberly Veras

Others: Building Inspector Synek, 9 guests

PUBLIC HEARINGS

APPEAL 2015-22

Central Heating & Air Conditioning for Marc Rubin for a variance from Section 1326.01 to install an air conditioning unit on the side of the house instead of the rear as required by code located at 8597 Ottawa Drive, PP# 602-11-051.

Mr. Stewart Unsdorfer representing Central Heating & Air Conditioning spoke to the Board. He explained that the reason for the variance was due to the layout of the home and the backyard. He passed out pictures to the Board to explain the locations of both the original unit and the current unit. He stated that if they placed it where the original unit was located, it would have taken up most of the sidewalk because it was a larger unit. He explained there was really no good place to locate it in the rear of the home, and you can't really see it from the street.

Mr. McCrodden confirmed with Mr. Unsdorfer that the original unit was on the side. Mr. Unsdorfer stated that was correct. Mr. McCrodden asked if the original unit had a variance. Mr. Synek stated that the original unit would not have needed a variance, because it was located on the side of the house in the rear of the garage, which was code compliant.

Mr. Rose asked how this came to the attention of the Building Department. Mr. Synek stated that they sent in a mail-in application to the Building Department, and they were contacted to ask the location of the unit. Mr. Unsdorfer stated there was some confusion on his part regarding the placement because he was told that if the original unit existed on the side it could be placed back on the side.

Mr. Rose asked if they had spoken with the neighbors. Mr. Unsdorfer stated that Mr. Rubin, the owner, had spoken with his neighbor next door, Mr. and Mrs. Fred Lyzen, and

submitted a letter from them stating they had no problem with the placement of the air conditioner.

Mr. Rose opened up questions to the audience. Mr. Fred Lyzen, 8583 Ottawa Drive spoke to the Board. He stated that the air conditioning unit was installed and running for two weeks before he even knew it was there. The unit is very quiet.

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

APPEAL 2015-23

Donald Brinsky for a variance from Section 1181.11(b) of 2 ft. from the maximum 15 ft. height to 17 ft. for a shed located at 9475 Glen Drive, PP# 603-16-059.

Mr. Donald Brinsky spoke to the Board regarding his appeal. He explained that the project that he will be undertaking will be one that fits within the homeowner community. There is also an architect that receives and reviews any proposals for construction. He looks for consistency with the project in relation to the ideals of the community and quality of construction. He also takes the neighbors into consideration. Mr. Brinsky submitted a letter to the Board from Mr. David Maddox, The Arcus Group, Inc., which stated that the structure that Mr. Brinsky has proposed meets the design and detail criteria for Crosswinds Village Homeowners Association. Mr. Rose wanted the record to reflect that the Board received the letter. Mr. Brinsky explained that he has a corner lot and that the property drops off in the rear to the hillside. The variance request is being requested because of the hillside, as well as the drainage of water off the driveway. He explained that the structure will be used for garden tools, supplies and a riding mower. The size was chosen because of the proportion of the structure in relation to the house.

Mr. Rose asked Mr. Synek how much the terrain impacted this variance request. Mr. Synek stated that there is definitely a slope to the rear of the property where this structure is being proposed. Mr. Rose clarified with Mr. Synek that this is a height variance which impacted the calculation, just as it does with a house. Mr. Synek stated that was correct, without the slope it would be very close to being code compliant.

Mr. Rose clarified that Mr. Brinsky spoke with his neighbors regarding the project. Mr. Brinsky stated that he had. He spoke with the several surrounding neighbors as well as the neighbor directly behind him. They are all in support of it. Mr. Brinsky stated that if he had gotten any rejection from neighbors; he would have certainly considered changing or moving it.

Mr. Rose clarified with Mr. Synek that there were no issues with the location. Mr. Synek stated that was correct.

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

MOTION CARRIED

APPEAL 2015-24

GPD Group for Cuyahoga Valley Career Center for a variance from Section 1153.32 of 145 ft. from the minimum required 200 ft. side yard to allow a 55 ft. side yard for the construction of a new building located at 8001 Brecksville Road, PP# 601-08-025 and 601-10-034.

Mr. Russell Gayheart with GPD Group spoke to the Board. He was representing the Board of Education with Cuyahoga Valley Career Center. He stated that he has been working for the district since 1998 and knows the site pretty well. Mr. Gayheart explained that there is a large ravine on the property and a small section at the top that was leveled. They want to build this building, but because of the ravine and the geotechnical evaluation, the building can be no wider than 40 ft., which would predicate the building to be long and thin. Unfortunately the adjacent property line is pretty close. Their hardship is that they can't really move this building any further east because of the poor slope conditions, and the Planning Commission designated a 55 ft. distance between the adjacent lot and building. Mr. Gayheart felt that the building is in the best possible location now.

Mr. Rose asked Mr. Gayheart if the lot that caused the variance was owned by the city. Mr. Gayheart stated that it is privately owned. Mr. Hasman asked if the property that was privately owned is along Rt. 21. Mr. Gayheart stated that it was.

Mr. Opatrny asked Mr. Gayheart what the building will be used for. Mr. Gayheart stated that CVCC is really great about adapting to various programs that educate students. They have an indoor space where construction trade students learn how to build houses, etc. Mr. Gayheart stated that what they wanted to do with this building was to use half of it for training, and the other half for actual building. It will not be heated or air conditioned so that the students will get the full reality of what it will be like to work outside in real conditions.

Mr. Rose opened up questions to the audience. Mr. Alex Kariotakis, 7932 Orianna St. spoke to the Board. Mr. Kariotakis asked about the location of the building and how far away from the creek it will be built. Mr. Gayheart stated that it will be approximately 250 to 300 ft. from the creek and showed Mr. Kariotakis the location on the overhead drawing.

Mr. Opatrny asked what the exterior of the building will look like. Mr. Gayheart stated that it will be a green metal building, which was discussed with the Planning Commission, so that it will blend in with the trees and vegetation.

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

APPEAL 2015-25

Anthony Camerieri for a for a variance from Section 1151.25(d) of 208 sq. ft. from the maximum allowed 144 sq. ft. to 352 sq. ft. for the construction of a shed located 10231 Highland Drive, PP# 604-21-013.

Mr. Camerieri spoke to the Board regarding his appeal. He stated the actual dimensions of the shed he is proposing is 12x22, with an additional 4 ft. on the front for a porch to make it look nicer. The Building Department stated that the 4 ft. needed to be included when figuring the square footage of the shed. The building will be used for lawn equipment, i.e., lawn mowers, Rota tillers, weed whips, chainsaws etc. He currently can only park one car in his garage because of all the lawn equipment. Mr. Camerieri went on to explain that he would like to be able to park a second car in the garage, he has teenagers and would like to get another car out of the driveway if possible. He lives on an acre of land and has neighbors on each side, but two sides of his property are wooded. His other neighbors, Mr. and Mrs. Lamanna, 10207 Highland Drive, are next to the turnpike. He has lived there 17 years and stated that he had spoken with all his neighbors. His hardship is a storage space for all his equipment.

Mr. Hasman asked about the property immediately behind him. Mr. Camerieri stated that the property behind him is Reserve Run.

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

APPEAL 2015-26

Pete Cipriani for (1) a variance from Section 1151.23(a)(2) of 90 ft. from the established 40 ft. to allow a 130 ft. front yard setback for the construction of a new house, and (2) a variance from Section 1326.01 to install an air conditioning unit on the side of the house instead of the rear as required by code and (3) 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 6788 Rivercrest Drive, PP# 601-04-005.

Mr. Pete Cipriani spoke to the Board regarding his appeal. Mr. Cipriani stated that about

a month or two ago his neighbors, Mr. and Mrs. Joe Carollo, came to the Board seeking a variance which was granted for the setback for their house. He explained that Mr. Carollo's front door is approximately 130 ft. back. He originally had designed to have the house at the requested 40 ft. setback, but his backyard is somewhat even with Mr. Carollo's front yard. Mr. Cipriani explained that Mr. and Mrs. Carollo would be the only person affected by the setback he is requesting.

Mr. Rose clarified with Mr. Cipriani that the reason for the variance was aesthetics, and also so that Mr. Cipriani and Mr. Carollo's setbacks would be the same for the two houses. Mr. Cipriani stated that was correct. Mr. Harala, architect for Mr. Cipriani, explained that they are also trying to keep the same distance from the center of the cul-de-sac so that it would look more unified.

Mr. Cipriani stated that he had a letter from Mr. and Mrs. Carollo, 6791 Rivercrest Drive, stating that they do not have a problem with the proposed setback.

Mr. Cipriani went on to explain that his second and third variances are in regards to the air conditioning unit and the generator. They are a forced main for the sanitary, so if they loose power, they will only be able to take one or two showers before the tank fills up without a push back up to Rivercrest Drive where it is gravity from there. He explained the location on the overhead drawing. Mr. Cipriani also stated that they will be installing a patio in the rear of the house, and the far corner will be a walk out basement. There will be a considerable slope between the walk out pad and the patio. It would be difficult to place two condenser units on the slope, so locating it on the side would be easier. Mr. Cipriani explained that the neighbor on the other side, Mr. and Mrs. Dailey, will be located 150 ft. away from the property line. In between them will be their driveway and garage and then the house. He has contacted them to let them know what he wanted to do, but got no response. The whole area in between will stay natural so their will be plenty of vegetation. Mr. Cipriani stated that he would be happy to plant some shrubs in front of the units to screen them.

Mr. Rose clarified with Mr. Cipriani that his hardship for the two units is the slope. Mr. Cipriani stated that was correct. Mr. Rose also clarified that he would not have a problem screening the two units with vegetation. Mr. Cipriani stated that he would have no problem with it. Mr. Harala stated that there will be a masonry wall between the two units dividing them as a backdrop as well.

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

MOTION CARRIED

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
Council Chambers – Brecksville City Hall
August 10, 2015**

Present: Kathleen Roberts Carl Opatrny, Robert Hasman, Dennis Rose

Absent: Mayor Hruby, Kimberly Veras

Others: Building Inspector Synek, 9 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF JULY 13, 2015

Motion by Mr. Opatrny, seconded by Mr. Hasman, to approve the Regular Meeting Minutes of July 13, 2015 as recorded.

ROLL CALL: Ayes: Roberts Opatrny, Hasman, McCrodden, Rose

Nays: None

MOTION CARRIED

APPEAL 2015-22

Motion by Mr. McCrodden, seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1326.01 to install an air conditioning unit on the side of the house instead of the rear as required by code located at 8597 Ottawa Drive, PP# 602-11-051.

ROLL CALL: Ayes: Roberts Opatrny, Hasman, McCrodden, Rose

Nays: None
MOTION CARRIED

APPEAL 2015-23

Motion by Ms. Roberts, seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1181.11(b) of 2 ft. from the maximum 15 ft. height to 17 ft. for a shed located at 9475 Glen Drive, PP# 603-16-059.

ROLL CALL: Ayes: Roberts Opatrny, Hasman, McCrodden, Rose
Nays: None
MOTION CARRIED

APPEAL 2015-24

Motion by Mr. Opatrny, seconded by Ms. Roberts, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1153.32 of 145 ft. from the minimum required 200 ft. side yard to allow a 55 ft. side yard for the construction of a new building located at 8001 Brecksville Road, PP# 601-08-025 and 601-10-034.

ROLL CALL: Ayes: Roberts Opatrny, Hasman, McCrodden, Rose
Nays: None
MOTION CARRIED

APPEAL 2015-25

Motion by Mr. Hasman, seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.25(d) of 208 sq. ft. from the maximum allowed 144 sq. ft. to 352 sq. ft. for the construction of a shed located 10231 Highland Drive, PP# 604-21-013.

ROLL CALL: Ayes: Roberts Opatrny, Hasman, McCrodden, Rose
Nays: None
MOTION CARRIED

APPEAL 2015-26

Motion by Mr. McCrodden, seconded by Ms. Roberts, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1151.23(a)(2) of 90 ft. from the established 40 ft. to allow a 130 ft. front yard setback for the construction of a new house, and (2) a variance from Section 1326.01 to install an air conditioning unit on the side of the house instead of the rear as required by code, and (3) 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 6788 Rivercrest Drive, PP# 601-04-005.

ROLL CALL: Ayes: Roberts Opatrny, Hasman, McCrodden, Rose

Nays: None
MOTION CARRIED

REPORT OF COUNCILMEMBER VERAS

No Report.

Mr. Rose asked Mr. Synek if City Council passed all the items recommended by the Board of Zoning Appeals. Mr. Synek stated that they had.

REPORT OF MAYOR HRUBY

No Report.

Motion by Mr. McCrodden, seconded by Mr. Hasman, to close the Regular Meeting at 8:13 p.m. **MOTION CARRIED**

THE BRECKSVILLE BOARD OF ZONING APPEALS

DENNIS ROSE, CHAIRMAN

KATHLEEN ROBERTS, VICE CHAIRMAN

ROBERT HASMAN, SECRETARY

Regular Meeting recorded by Gina Zdanowicz