

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
May 11, 2015**

Present: Kathleen Roberts Carl Opatrny, Robert Hasman, Kimberly Veras,
Bruce McCrodden, Dennis Rose

Absent: Mayor Hruby

Others: Building Inspector Synek, 14 guests

PUBLIC HEARINGS

APPEAL 2015-10

Maria Casserly for a variance from Section 1185.03(a) of 2 ft. from the maximum 4 ft. fence height to allow 6 ft. located at 6606 Rockledge Drive, PP# 601-24-078.

Dr. Caroline Casserly spoke to the Board regarding her mother's appeal. She explained that her mother wants a fence along the back yard as well as the southeast corner of the yard. The reason for the variance is that there is a carriage house/garage that is abutting the property and was a pre-existing structure which by today's code would not be allowed so close to the property line. Her mother would like to install the fence for privacy.

Mr. Rose asked to see the overhead drawing and where the carriage house was in relation to the her property. He confirmed with Dr. Casserly that the structure was not lived in, but used for storage. Dr. Casserly stated that was correct. Mr. Rose explained that there was a reason for the ordinance that is in place for fences, Brecksville is not a community of fences. He went onto explain that it would be rare that the Board would grant this kind of variance, especially in this type of circumstance. Mr. Rose stated there are other trees there, and asked if they have considered planting arborvitae. Dr. Casserly explained that they have tried to plant twice, and the trees have died due to either the amount of water there or not enough sun. They also had a problem with the deer eating them, and that is the reason she is asking for this fence. Mr. Rose clarified with Dr. Casserly whether the fence was actually for privacy, or because her mother did not want to look at the structure. Dr. Casserly stated that it is more of an eyesore, she does not like looking at it, and there is more front yard than back yard, it is really close when sitting in the back yard.

Mr. Hasman asked how long her mother has lived at the property. Dr. Casserly stated that it has been 10 years. Mr. Rose clarified that the carriage house had been there the entire time. Dr. Casserly stated that was correct.

Mr. McCrodden asked, as you look at her house on the right side where the fence will be running north/south, how would the fence line up with the trees that are there on the side line. She confirmed that the fence would be in line with the trees. Mr. Rose asked Mr. Synek to confirm that the placement of the fence would be code compliant. Mr. Synek stated that it would.

Ms. Roberts asked what the height of the carriage house was. Dr. Casserly stated that she would guess it was at least 15 ft. high, and stated that the fence would help shield the structure more.

Dr. Casserly stated that she had a letter from her mother's neighbors, Milton and Lynn Midis, 6610 Rockledge Drive, that did not have a problem with the fence. They are the neighbor on the opposite side of where the fence will be installed. Mr. Rose asked if she had spoken with her neighbor on the corner where the fence will abut their property. Dr. Casserly stated that they did not see her to speak to her.

Mr. Rose opened up questions to the audience.

Mr. Milton Radovic, 7371 Old Quarry Lane, spoke to the Board. He stated that he did not have a problem with the fence, it would abut his backyard. He just wanted to make sure it was installed properly on her property and asked what type of fence they were proposing. Mr. Rose stated that it would be a board on board fence.

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

MOTION CARRIED

APPEAL 2015-11

Pulte Homes for (1) a variance from Section 1181.11(a) maximum roof area over 30 ft. is limited to 20% of ground floor to allow 67%, and (2) a variance from Section 1181.11(2) maximum building height of 30 ft. to allow 36.33 ft. and (3) a variance from Section 1181.11(a) maximum overall height of 40 ft. to allow 48.5 ft. for the construction of a new house located at 10209 Woodlands Drive, PP# 605-22-016.

Mr. Keith Filipkowski spoke to the Board regarding their variance. He stated that they are requesting variance approval for the aforementioned items. This particular home will have a walk out basement, and the terrain is such, that it drops off dramatically increasing the percentages that would otherwise be less.

Mr. Rose clarified with Mr. Synek that some of this was driven by the terrain and the calculations. Mr. Synek stated that was correct it adds to the height. Mr. Rose asked if this house sat on a flat terrain would it still need a variance. Mr. Synek stated that he did

not have those numbers. Mr. Filipkowski explained that he did not go through that analysis, but would guess that it would.

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

MOTION CARRIED

APPEAL 2015-12

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 21.5% for the construction of a new house located at 10211 Woodlands Drive, PP# 605-22-017.

Mr. Keith Filipkowski spoke to the Board regarding their variance. He stated there is still a terrain issue on this house, but there is no walk out basement. The terrain drops off the rear increasing the amount, and a variance was needed.

Mr. Rose asked if this house was next to the other house at 10209 Woodlands Drive. Mr. Synek stated that was correct. Mr. Rose asked Mr. Filipkowski if the two houses would look much different from each other, and if one would be considerably taller than the other. Mr. Filipkowski stated that it would be a taller home, the roof pitch is definitely steeper on the previous house. The square footage is different in the style of architecture and overall composition of the house. Mr. Rose clarified that this variance is a function of what the homeowner chose to build. Mr. Filipkowski stated that was correct, the home at 10209 Woodlands Drive was purchased after the first lot was discovered, so it should not be any new news for the homeowner that was purchasing. Mr. Rose asked if they were aware of it. Mr. Filipkowski stated that they should be, whatever is purchased is made public.

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

MOTION CARRIED

APPEAL 2015-13

MetroHealth Medical Center for a variance from the Section 1183.04(c) requirement that parking spaces be 10' x 20' to allow parking spaces that are 9' x 18' located at 9200 Treeworth Blvd., PP# 603-04-011.

Jeff Valus, CBLH Design spoke to the Board. He explained that the reason for the variance is the storm water impact to help reduce the amount of paved surfaces. Mr. Valus explained that there was quite a bit of paved surfaces with the reduced parking and future medical office building, and they were trying to conserve the amount of space that it would take up with giving back some green space to the site. Mr. Rose clarified that it is the run off issue that will keep the asphalt or concrete manageable. Mr. Valus stated that was correct. Mr. Rose asked if there

is an issue with the correct amount of stalls for occupancy. Mr. Valus stated there was not.

Mr. Rose opened up questions to the audience. Mr. Raymond Fierst, 5109 Oakes Road, spoke to the Board. Mr. Fierst stated that he lives behind the site. He inquired if there would be retention ponds behind the building. Mr. Valus stated that there will be and showed him the location of the two behind the building on the overhead drawing. He also inquired where the woods line was. Mr. Valus explained the drawing and where more landscaping would be installed on the back of the site.

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

MOTION CARRIED

APPEAL 2015-14

Timothy and Kendra Quinlan for (1) a variance from Section 1173.04(b) that no change or structural alterations be made on a nonconforming use of a building, and (2) a variance from Section 1151.24 of 19 ft. from the minimum required 125 ft. to allow 106 ft. front yard setback to allow an addition on one of two dwellings located at 9118 Highland Drive, PP# 601-32-006.

Mr. Quinlan spoke to the Board regarding his appeal. Mr. Quinlan explained that his house was built in 1972 and was non-conforming. His father currently lives in the back half of the property and he and his family live in the front. He explained that they have grown out of the house, it is a chalet, and they want to raise it up vertically by adding height to the bedrooms and make them larger, but will not be expanding out.

Mr. Rose clarified with Mr. Synek that because it is non-conforming, anything that you do to it would need a variance. Mr. Synek stated that was correct. There are two houses on this lot, zoned single family residential, and they are requesting to allow an expansion of the double use, and the house as it sits today is non-conforming in its setback from the road.

Mr. Quinlan got signatures from all their surrounding neighbors that were in support of Mr. and Mrs. Quinlan's project. (9144, 9136, 9117, 9155, 9111, 9104 Highland).

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

MOTION CARRIED

APPEAL 2015-15

KNL Custom Homes, Inc. for a variance from Section 1151.23(a) of 38.58 ft. from the maximum allowable 50 ft. to allow 88.58 front yard setback for the construction of a new house located at 6791 Rivercrest Drive, PP# 601-04-001.

Mr. Todd Fulton spoke to the Board regarding their appeal. He explained to the Board that the variance for the setbacks are based upon the house being within the building setback line that was required by the city. Mr. Rose asked if it was due to a terrain issue that the house is being pushed back. Mr. Fulton stated that the house won't fit on the side and rear within the setbacks because of the terrain in the back, so they have to move it back from what was established.

Mr. Rose asked Mr. Synek if the cul-de-sac at the end is a dedicated street. Mr. Synek stated that it is a private drive with the building line established by the Planning Commission.

Mr. Hasman clarified that this home would be built at the end of the private drive, and that the nearest home to it will be pretty distant. Mr. Fulton stated that was correct.

Mr. Rose opened up questions to the audience.

Mr. Pete Cipriani, 6788 Rivercrest Drive, spoke to the Board. He stated that he is really the only property that will be affected by this variance. Even though he is setback quite a ways, it will affect his setback, and that is why he is present this evening. Mr. Cipriani stated that he did not intend to stop what they were doing because it is fine with him, but explained that in a month or two, he will need to come to the Board to ask for a variance as well, so that his backyard is not in Mr. Carollo's front yard. Mr. Rose asked if this variance was impacting his ability to build whatever he wanted, but not being able to place it where he would like. Mr. Cipriani stated no, that the extent that he would be damaged by what they are doing, is that he would have to move his setback further back so that his backyard isn't in his front yard. Mr. Cipriani explained that he did not come this evening to object, but in a month or two when he needs approximately a 120 ft. setback variance, he would like to make sure the Board would not find it unreasonable and grant it. Mr. Rose explained to Mr. Cipriani that they can't make a commitment to him at this hearing. He would have to come in front of the Board and they will review it when he comes forth. The fact that the house will already be there will certainly be a consideration when he comes to the Board with what he wants to do with his house, and what it looks like.

Ms. Roberts stated that another way of explaining what Mr. Rose said, is one event will impact another event. Mr. Cipriani stated that he realized that the Board cannot commit to plans they don't have, but he would expect the same consideration when he comes forward to request a variance.

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

MOTION CARRIED

APPEAL 2015-16

Gateway Associates for (1) a variance from the Section 1157.29 (b)(1) of 1.7349 acres from the minimum required 4 acres to allow a 2.2651 acre lot, and (2) a variance from the Section 1157.09(b)(2) of 65 ft. from the minimum 300 ft. to allow a 235 ft. lot width, and (3) a variance from the Section 1157.29(c)(1) of 25 ft. from the minimum required 50 ft. to allow a 25 ft. side yard building setback, and (4) a variance from the Section 1157.29(c)(2) of 21 ft. from the minimum required 25 ft. to allow a 4 ft. side yard parking setback as part of a lot split located at 6850 Southpointe Parkway, PP# 604-17-006. (Proposed parcel B).

Bill West with Gateway Associates spoke to the Board. They have a tenant in a one story building to the north, that is 18,000 sq. ft., and they would like to expand the building another 15,000 sq. ft. The original drawings showed the addition, and when the buildings were built at the time, they had a 5 acre minimum so they built two buildings on the one parcel, which financially created some problems, because one was built and the second one came a few years later. Today, there are no mortgages on the property, and what they would like to do is finance the addition of 15,000 sq. ft. and add on to that. The only way they can do that and separate it from the southerly building is basically getting a lot split. Mr. Rose clarified that they do not want to put a mortgage on the southerly building. Mr. West stated that was correct. The only other thing that was a concern is the retention basins. They are maintaining them and are willing to sign a document to continue to do so.

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

MOTION CARRIED

APPEAL 2015-17

Gateway Associates for (1) a variance from Section 1157.29(b)(1) of 0.9592 acres from the minimum required 4 acres to allow a 3.0408 acre lot, and (2) a variance from the Section 1157.29(c)(2) of 5 ft. from the minimum required 25 ft. to allow a 20 ft. side yard parking setback as part of a lot split located at 6900 Southpointe Parkway, PP# 604-17-006. (Proposed parcel A).

Mr. West stated that the reason for this variance would be the same as he stated for Appeal 2015-16.

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
May 11, 2015**

Present: Kathleen Roberts Carl Opatrny, Robert Hasman, Kimberly Veras,
Bruce McCrodden, Dennis Rose

Absent: Mayor Hruby

Others: Building Inspector Synek, 14 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF APRIL 13, 2015

Motion by Mr. Opatrny, seconded by Mrs. Veras to approve the Regular Meeting Minutes of April 13, 2015 as recorded.

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

Nays: None

Abstain: Rose

MOTION CARRIED

APPEAL 2015-10

Motion by Mr. Hasman seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1185.03(a) of 2 ft. from the maximum 4 ft. fence height to allow 6 ft. located at 6606 Rockledge Drive, PP# 601-24-078.

ROLL CALL: Ayes: Opatrny, Veras, Mr. Rose
Nays: Ms. Roberts, Mr. Hasman, Mr. McCrodden
MOTION DENIED

APPEAL 2015-11

Motion by Mr. McCrodden, seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1181.11(a) maximum roof area over 30 ft. is limited to 20% of ground floor to allow 67%, and (2) a variance from Section 1181.11(2) maximum building height of 30 ft. to allow 36.33 ft. and (3) a variance from Section 1181.11(a) maximum overall height of 40 ft. to allow 48.5 ft. for the construction of a new house located at 10209 Woodlands Drive, PP# 605-22-016.

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

APPEAL 2015-12

Motion by Mr. Opatrny, seconded by Ms. Roberts, that the Board of Zoning Appeals recommend to City Council approval for Pulte Homes for Section 1181.11(a) maximum roof area over 30 ft. is limited to 20% of ground floor, to allow 21.5% for the construction of a new house located at 10211 Woodlands Drive, PP# 605-22-017.

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

APPEAL 2015-13

Motion by Mrs. Veras, seconded by Mr. Hasman, that the Board of Zoning Appeals recommend to City Council approval for a variance from the Section 1183.04(c) requirement that parking spaces be 10' x 20' to allow parking spaces that are 9' x 18' located at 9200 Treeworth Blvd., PP# 603-04-011.

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

KATHLEEN ROBERTS, VICE CHAIRMAN

ROBERT HASMAN, SECRETARY

Regular Meeting recorded by Gina Zdanowicz