

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
November 09, 2015**

Present: Kathleen Roberts, Robert Hasman, Mayor Hruby, Kimberly Veras,
Bruce McCrodden Dennis Rose

Absent: Carl Opatrny

Others: Building Inspector Synek, 26 guests

PUBLIC HEARINGS

Mr. Rose announced to the audience that there was a joint meeting with The Planning Commission regarding Appeal 2015-37, Jennings Center for Older Adults on October 22, 2015, which was a public hearing. Mr. Rose stated that unless someone from the Board had further questions, or the appellant had something further to discuss, there would not be another public hearing.

APPEAL 2015-36

Cody Calhoun for a variance from Section 1151.06i(1) to park a commercial vehicle, used in connection with his livelihood, in the driveway of a residential district instead of wholly within a garage located at 6623 Hawthorne Drive, PP# 601-01-096.

Mr. Calhoun spoke to the Board regarding his appeal. He explained that his hardship is that his van doesn't physically fit in his garage. He explained that he uses his van for work, he owns a small painting business which he has had for 17 years. He stated that he moved to Brecksville almost 2 years ago and never had an issue until he recently received a call from his neighbor. He is asking the Board permission to park his van in his driveway since he uses it every day from 7:30 a.m. until 5:30 p.m. Mr. Calhoun stated that his van is about 4 inches too long, and did not fit in the garage without the ladder racks either. He obtained 19 signatures from surrounding neighbors that support his right to park his commercial vehicle in his own driveway, and submitted the document to the Board. He really has no where else to park it, both he and his wife's families live out of town. He also looked up the ordinance on his own and was not sure what constituted a commercial vehicle. He is open to suggestions or ideas from the Board on what to do.

Mr. Rose asked Mr. Synek to explain what constitutes a commercial vehicle. Mr. Synek stated that the Building Commissioner has determined that if it has truck plates it is a commercial vehicle. Mr. Calhoun stated that his van is slightly larger than a mini van. He stated that he doesn't know what else to say, he has run out of options. He also

wanted to let the Board know that with regards to his neighbor on the right, he planted approximately ten arborvitae for screening, and also plans on planting grasses in the spring to block out the entire view of the van from his neighbor's yard. Mr. Rose wanted to know how close his property line was to where the trees were planted. Mr. Calhoun stated there is about 3 or 4 ft. between the trees and the property line. Mr. Rose asked if it would be an issue to park the van behind the house. Mr. Synek stated that it would have to be wholly within a garage. Mr. Calhoun stated that he could put white magnets over the lettering if that would help; he is open to other options. Mr. Rose recalled a similar situation in the past, and asked the Mayor if there was another solution in the City to park vehicles. Mr. Calhoun stated that it would be hard to ask his wife to drive him to another location that early in the morning because they have an 8 month year old baby, and he can't really do that with a child. The Mayor stated that there are City lots where people have parked commercial vehicles in over the years. Mr. Calhoun felt that if it was a dump truck or flat bed truck it would be an eyesore, but it is a 2012 van that is in good condition, and it doesn't seem to bother anyone in the neighborhood but one person. Mr. Calhoun stated that the van was parked there for over a year and a half and it didn't bother his neighbor until there was a grass incident and the neighbor said she was going to call the City regarding parking his commercial vehicle on his property.

Mr. Hasman stated that it appears there may be some community parking in Mr. Calhoun's neighborhood at the top of the street by the tennis courts, and wondered if he would be able to park the van there. Mr. Calhoun stated that it may be possible, he was unsure if it would be allowed, he doesn't belong to the association. Mr. Hasman asked if the neighbors across the street were among the neighbors that he had spoken with. Mr. Calhoun stated that they were. The Mayor asked to see the list of signatures he obtained from his neighbors. Mr. Rose wanted the document added to the record, that Mr. Calhoun obtained signatures from 19 various neighbors in favor of letting him park his commercial van in his driveway.

Ms. Roberts wanted to make a statement, that as variances translate to an exception, if everyone or every few houses had the same exception, it would begin to gradually change the appearance and go against what the look is, that is the reason for the City code. Mr. Calhoun asked what kind of look, Ms. Roberts responded not to have commercial vehicles on private properties. Mr. Calhoun stated there are other commercial vehicles in his neighborhood, and he felt it wasn't hurting anyone. Ms. Roberts stated that she simply wanted to put it out there in appreciation of how the City code is written.

Mr. Rose opened up questions to the audience. Julie Russell, 6631 Hawthorne Drive spoke to the Board. She stated she is Mr. Calhoun's next door neighbor. She stated that Mr. Calhoun has two other vehicles; he has a tan SUV and a blue vehicle which she believes is his wife's company car. Ms. Russell wanted to know why he didn't go to the Homeowners Board if he went to all the neighbors to ask to park his van by the swimming pool. She also sited other areas in the City where he could ask to park his van,

and felt that he has made no effort to abide by the ordinances. She stated that in 1979 she had a commercial vehicle, and the Building Commissioner at that time wouldn't allow it and she had to park her vehicle in North Royalton. She stated that we want the continuity of the look of the City of Brecksville, and if everybody had a commercial vehicle it would look terrible. She is against him parking his vehicle in his driveway because there are other places that would allow him to park his van.

Michael Banssuh, 6602 Greenbrier Drive spoke to the Board. He stated that as a former Board member for his neighborhood, he is the first person to understand that the ordinances are in place for a reason. He lives behind Mr. Calhoun and in his opinion, he keeps an exceptionally well maintain property, his house is immaculate. He has proven to be a very good neighbor. He felt that the van is not an eyesore, it is well maintained and is part of the reason the Board should consider granting the variance. He didn't feel it was feasible to ask Mr. Calhoun to park his vehicle in the association's parking lot; it is there for events and the pool and is not to be used for residents permanently. He believed the Board should grant the variance.

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

MOTION CARRIED

APPEAL 2015-37

Jennings Center for Older Adults for 1) a variance from Section 1181.11(a) of 14 ft. from the maximum 30 ft. to allow 44 ft. height of building and 2) a variance from Section 1181.11(a) maximum roof area over 30 ft. is limited to 10% of ground floor area to allow 100%, and 3) a variance from Section 1181.11(a) of 11.75 ft. from the maximum 40 ft. to allow 51.75 ft. overall height of a building and 4) a variance from Section 1155.32 of 20 ft. from the minimum required 100 ft. to allow an 80 ft. front yard and 5) a variance from Section 1155.32 of 72 ft. from the minimum required 100 ft. to allow a 28 ft. rear yard setback and 6) a variance from Section 1183.17(c)(1) of 55 ft. from the minimum required 200 ft. centerlines of driveways to allow 145 ft. between centerlines and 7) a variance from Section 1117.09 requiring lots to be generally rectangular to permit an irregularly shaped lot and 8) a variance from Section 1119.09(d) requiring a Public Sidewalk on Brecksville Road to eliminate that requirement until such time as sidewalks are constructed on adjoining parcels and 9) a variance from Section 1175.09 which requires transformers be installed underground to allow a transformer to be installed above ground to consider final plan approval of an assisted living facility located at 8736 Brecksville Road, PP# 601-30-034 & 601-30-003 and a portion of 601-30-035.

Mr. Rose asked if there were any requests or motions to reopen the public hearing for the assisted living. Hearing no requests, the Board moved on to the next appeal.

APPEAL 2015-38

Jim Roberts for a variance from Section 1117.09 requiring lots to generally be rectangular in shape to allow non-rectangular lots for the consolidation and lot split located at 12880 and 12930 Chippewa Road, PP# 602-17-015 and 602-17-019.

The appellant was not in attendance and the appeal was tabled by Chairman Rose until the December 7, 2015 meeting.

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
November 09, 2015**

Present: Kathleen Roberts, Robert Hasman, Mayor Hruby, Kimberly Veras,
Bruce McCrodden Dennis Rose

Absent: Carl Opatrny

Others: Building Inspector Synek, 26 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF OCTOBER 12, 2015

Motion by Mayor Hruby, seconded by Mr. Hasman, to approve the Regular Meeting Minutes of October 12, 2015 as recorded.

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

**APPROVAL OF THE JOINT MEETING WITH THE PLANNING COMMISSION
MINUTES OF OCTOBER 22, 2015.**

Motion by Ms. Roberts, seconded by Mr. McCrodden, to approve the Joint Meeting Minutes of October 22, 2015 as recorded.

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

APPEAL 2015-36

Mr. Hasman suggested we amend the motion for this variance to be granted only to Mr. Calhoun with only this particular van. The Board agreed.

REPORT OF MAYOR HRUBY

The Mayor stated that all four City Council members were re-elected to City Council, and congratulated Mrs. Veras on her re-election. The Mayor announced that City Hall will be closed on November 11, 2015 in honor of Veterans Day. He went on to report that on November 29, 2015, the City will hold its Annual Christmas Parade at 4:00 p.m. The Annual Children's Christmas Play will be held on December 5th and 6th at 11:00 a.m. and 2:00 p.m. This year's play, NPBC Countdown to Santa's Journey, is a repeat of the 2007 Christmas play and Carl Opatrny will be returning as Bumbles The Toy Maker. The play will be held in the Gathering Room of the Human Services Center instead of the Old Town Hall due to construction being done there. The Oath of Office for Mayor and Council will take place on January 2, 2016, and the Mayor's Inaugural Ball will be held on Saturday, January 16, 2016. The Mayor hoped that everyone will be able to attend the various events.

BOARD OF ZONING APPLICATION DISCUSSION

Mr. Hasman, Secretary for the Board of Zoning Appeals, made some revisions to the application and the Board discussed the changes. Mr. Hasman will revise it based on the Board's discussion and resubmit for approval.

Motion by Ms. Roberts, seconded by Mr. McCrodden, to close the Regular Meeting at 8:43 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