

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
December 8, 2014**

Present: Kathleen Roberts, Carl Opatrny, Robert Hasman, Mayor Hruby,
Kim Veras, Dennis Rose

Absent: Bruce McCrodden

Others: Building Inspector Synek, 4 guests

APPEAL 2014-56

Jon Forman for a variance from Section 1119.09(d) not to install public sidewalks until such time that the City deems appropriate, for a new single family dwelling located at 9645 Brecksville Road, PP# 605-01-025.

Mr. Rose stated that City code requires public sidewalks be installed with a new single family dwelling, and because there are no sidewalks on Brecksville Road in his location, that is the reason for seeking a variance. He confirmed with Mr. Forman that at such time when the City deems appropriate, he would install the sidewalks. Mr. Forman stated that he would.

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

APPEAL 2014-57

William Kramp for United Homes for a variance from Section 1151.24 of 8 ft. from the minimum 60 ft. front yard setback to allow a 52 ft. front yard setback for the construction of a single family dwelling located at 6772 Rivercrest Drive, PP# 601-03-054.

Bill Kramp spoke to the Board regarding his appeal. He stated that he had a Geotechnical Report done on the house, as he did for every other house on the street, and they recommended that he build the house 8 ft. closer to the street, and dig the basement deeper. The final footer has to be 20 ft. to clay, and the only way to do that is to move the house closer and dig the basement deeper. Mr. Rose asked Mr. Synek if there were similar variances with other neighbors close by. Mr. Synek stated that he had not checked. Mr. Rose explained that he thought there were a number of variances on that side of the street, because the terrain in that location is challenging.

Mr. Rose opened up questions to the audience. Susan Crawford, 6770 Rivercrest Drive, spoke to the Board. She stated that she lived next door to the property. She went on to explain that there are approximately thirty homes on the street and wondered if Mr. Kramp was the only one that was going to be able to move the house forward, and if he was, she felt that it was unfair. Ms. Crawford stated that Mr. Kramp told her that she had

to build her house at a 60 ft. setback, that it was City code. Mr. Rose stated that was correct, but explained that terrain is something that the Board would take into consideration with a variance, because you cannot do anything about a ravine.

There was discussion among Board Members whether they remembered other variances for similar circumstances. Mayor Hruby asked Ms. Crawford if she was afraid that this variance would adversely affect her house. Ms. Crawford stated that she was. She felt that if it was the only house on the street that was not at 60 ft., and if they all complied, why should one house be any different. She felt that it wouldn't be right. Mr. Synek reviewed his list to see if there were similar variances on the street. Mr. Synek found two properties on the street that needed variances, 6749 and 6761 Rivercrest. Mayor Hruby let Ms. Crawford know that there were at least two that we currently found, that had done the same thing. Mr. Rose stated that he understood her concern, but felt that because of the curve of the street, it wouldn't look out of place, in comparison to a street where all the houses were in a straight line.

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

MOTION CARRIED

APPEAL 2014-58

ARP Heating & Air Conditioning for Mr. and Mrs. Dan Prendergast 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 11586 Iroquois Trail, PP# 602-12-014.

Andy Pech representing ARP Heating & Air Conditioning spoke to the Board. Mr. Rose asked Mr. Pech if there was a way to place the air conditioner in the back on the corner. Mr. Pech stated that the deck goes all the way to the edge of the house in the back, and the unit is too wide and would stick out. Mr. Pech stated that he needed at least 1 ft. of clearance to the side of the air conditioner, so by the time he moved it away from the deck it would be in the side yard. Mr. Rose asked if the neighbor on that side was contacted. Mr. Pech stated that the neighbor lives in another development, Preston Village, which is 40 ft. away. He explained that they are quite a distance away, and there are a lot of trees and it is secluded. Mr. Pech explained that the new units are very quite, you cannot hear them.

Mr. Hasman clarified that there is a fence between the two lots. Mr. Pech stated that was correct; there is an ornamental fence there.

Mr. Rose asked Mr. Pech if he was planning on screening the unit with landscaping. Mr. Pech stated that there is a lot of vegetation on that side of the home and in the summer you can't even really see there, it is set back pretty far. He stated there really is no other option, other than to put it back on his deck.

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

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
December 8, 2014**

Present: Kathleen Roberts, Carl Opatrny, Robert Hasman, Mayor Hruby,
Kim Veras, Dennis Rose

Absent: Bruce McCrodden

Others: Building Inspector Synek, 4 guests

**APPROVAL OF THE REGULAR MEETING MINUTES OF NOVEMBER 10,
2014**

Motion by Mayor Hruby, seconded by Mr. Hasman to approve the Regular Meeting Minutes of November 10, 2014 as recorded.

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

APPEAL 2014-56

Motion by Mr. Hasman, seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1119.09(d) not to install public sidewalks until such time that the City deems appropriate, for a new single family dwelling located at 9645 Brecksville Road, PP# 605-01-025.

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

APPEAL 2014-57

Motion by Ms. Roberts, seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 of 8 ft. from the minimum 60 ft. front yard setback to allow a 52 ft. front yard setback for the construction of a single family dwelling located at 6772 Rivercrest Drive, PP# 601-03-054.

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

APPEAL 2014-58

Motion by Mr. Opatrny, seconded by Mr. Hasman, 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 11586 Iroquois Trail, PP# 602-12-014.

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

REPORT OF COUNCILMEMBER VERAS

Councilmember Veras stated that at the November 18, 2014, City Council meeting, all three items recommended by the Board of Zoning Appeals were passed.

REPORT OF MAYOR HRUBY

The Mayor wished everyone a Merry Christmas and a Happy New Year.

Motion by Mayor Hruby, seconded by Mr. Hasman to close the Regular Meeting at 7:48 p.m. **MOTION CARRIED**

THE BRECKSVILLE BOARD OF ZONING APPEALS

DENNIS ROSE, CHAIRMAN

KATHLEEN ROBERTS, VICE CHAIRWOMAN

ROBERT HASMAN, SECRETARY

Regular Meeting recorded by Gina Zdanowicz