

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
July 7, 2014**

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

Absent: Mayor Hruby, Kim Veras, Bruce McCrodden

Others: Building Inspector Synek, 6 guests

APPEAL 2014-29

Pepperwood Homes for Bradford Woods Dev. Co. Ltd. for a variance from Section 1119.09(d) not to install public sidewalks until such time that the City deems appropriate, for the construction of a single family dwelling located at 9601 Highland Road, PP# 603-19-040, PP# 603-19-002, PP# 603-19-005.

APPEAL 2014-35

Pepperwood Homes for Bradford Woods Dev. Co. Ltd. for a variance from Section 1117.09 requiring lots to generally be rectangular in shape to allow a non-rectangular lot for the consolidation of PP# 603-19-040, PP# 603-19-002, and PP# 603-19-005 located at 9601 Highland Road.

The Chairman, Dennis Rose, stated that the Board would listen to the Public Hearing for both appeals together, but would vote on them separately at the Regular Meeting.

Chris Tsonton owner of Pepperwood Homes and representing Bradford Woods Dev. Co., Ltd. spoke to the Board regarding their appeal. He explained the location of where they were proposing to build a single family dwelling, on the lot that they are in the process of consolidating. Mr. Tsonton explained that the property is up against a highway, and there are quite a bit of wetlands on the property, that they will not disturb. He explained that there was a home on the property at one time, and they will be building the new home in a similar footprint. Mr. Tsonton stated that they have no intention of cutting down any trees; they want to leave the property completely wooded as it is now. This property was three separate parcels that will be consolidated into one, and they are currently in the process of filing the lot consolidations. Because they are pulling six acres together, the lot became an irregular shape. Mr. Tsonton stated that they have no interest in building anything else on the property, and it will have very little impact on the area. They have spoken with several neighbors and explained what they will be doing. Mr. Tsonton stated that with regards to the sidewalk variance, there are no other sidewalks in the vicinity along Highland Road.

Mr. Rose asked if the home would require any other variances. Mr. Tsonton stated that they went to the Planning Commission to establish the setback and they will be off 10 ft.,

which will be acceptable. They are currently working on their final topographical survey. Mr. Rose clarified that the setback is 112 ft., Mr. Tsonton stated that was correct, there are some wetlands there that they have to be careful of, but they will be approximately 120 or 122 ft. They will be working with the Building Department and the City Engineer to make sure they do not disturb any wetlands. Mr. Rose asked Mr. Synek if they will have to come back to the Board of Zoning Appeals. Mr. Synek stated that they would not; they went to the Planning Commission to establish the front yard setback.

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

MOTION CARRIED

APPEAL 2014-31

Snowville Investments LLC. for Parcel A-1, for a variance from Section 1157.29(d)(2) of 19.3 ft. from the minimum required 25 ft. to allow 5.7 ft rear yard parking setback for a lot split located at 6500-6600 W. Snowville Road, PP# 604-25-005.

Douglas Morrison, Treasurer for Snowville Investments LLC. spoke to the Board regarding their appeal. Their plan is to split the lot, which was originally a ten acre lot. He believed that at one time there was no access road, which there is now, so there wasn't a requirement for the lot to be ten acres. Now, since there is an access road, they can split the lot. They have just moved in a new tenant on the north end of the lot, Scratchoff Systems, and they are occupying the whole building. They have a potential sale on the south lot to another light industrial user. In order to sell off the south lot, they would like to be able split it into two separate lots that are both greater than five acres. Regarding the location of the parking lot today, 25 years ago when it was put in, there wasn't a problem, because there were no setback lines to be concerned with. Mr. Morrison explained that they do plan on having a reciprocal parking easement, with an existing entry off of Noble Park, and the next entrance for the south lot. He explained that if you tried to make a 25 ft. side yard, it would actually make the south lot less than five acres, and then they would need a different variance, which could impact the parking there later on. He proceeded to explain the traffic flow to the Board on the overhead diagram.

Mr. Rose asked Mr. Morrison if they considered relocating the parking along the south edge, to comply. Mr. Morrison explained that they did, but showed Mr. Rose where there was a detention basin and a storm water easement on the property. Mr. Rose clarified that there is no practical way to solve the problem by moving the lots. Mr. Morrison stated that was correct, if you were able to move it down you would run into the same problem where the front lot, and the north lot, may be less than five acres. Mr. Rose asked Mr. Synek if there will be an issue with the number of spaces in the 6500 lot. Mr. Synek stated that they went to The Planning Commission and looked at the parking, and there was not an issue. Mr. Morrison stated that there is an agreement in place that the southern row of parking can also be used by the 6500 property as well.

Mr. Opatrny asked Mr. Morrison, if what was shown on the diagram was the proposed plan. Mr. Morrison stated that it was. Mr. Opatrny stated that he did not see a buffer on

the east end, it looked as though there were parking spaces right up to the property line, which would need a variance as well. Mr. Morrison stated that Mr. Opatrny brought up a good point, that they had not thought that through. Mr. Rose stated that they are running a line thru and splitting the parking stalls, and it would bring it right up against the line. Mr. Opatrny stated that with the lot split, there would need to be a 5.7 area on both sides. After some review and discussion, Mr. Morrison stated that they could install an island so there is a defined area. Mr. Rose stated that Mr. Opatrny came up with a very good point, that if they grant the variance, they would need to find a solution that will comply. Mr. Morrison stated that they will revise it to make sure they have a 5.7 buffer area.

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

MOTION CARRIED

APPEAL 2014-33

Charles Abookire III, for a variance from Section 1151.39(5) of 4 ft. from the maximum 6 ft. front yard projection to allow 10 ft. for a front porch addition located at 10655 Partridge Trail, PP# 602-05-052.

Mr. Abookire spoke to the Board regarding his appeal. He stated that he has been a long time resident of Brecksville. Five years ago they built an addition on their house and now would like to do the front stoop area. They are currently having an issue with the beams to the house from all of the rain. They would like to install a new front porch and put a roof over it. The stoop extends out 6 ft. now, and with the overhang they are asking for 4 more feet. Mr. Abookire explained that he had spoken with most of the neighbors on the legal notice that was sent out and he obtained signatures from most of them that approved of their project. Mr. Rose commended Mr. Abookire for taking the time to talk with his neighbors. He clarified with him that the issue is to get more of a cover over the stoop to shield someone coming up to the house from the weather. Mr. Abookire's father in law, which is also his contractor, stated that the front stoop is deteriorating and by rebuilding it, it will protect the existing entryway and front door. He stated that since the work has to be done anyway, this would be a good time to change it.

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

MOTION CARRIED

APPEAL 2014-34

Christopher & Molly Henard for a variance from Section 1151.25(d) of 48 sq. ft. from the maximum 144 sq. ft. to 192 sq. ft. for a shed located at 8397 Vera Drive, PP# 601-14-027.

Mr. Henard spoke to the Board regarding their appeal. Mr. Henard stated that he did not get a chance to talk with his neighbors prior to applying for the variance, but has since talked with them, and had fourteen signatures from neighbors that do not have any objection to the variance request. Mr. Henard stated that he is asking for an extra 48 square feet on the shed. The main idea for a larger shed is because they have several pieces of equipment, i.e., a riding lawn mower, a push mower, a snow blower, and a

utility cart for the riding mower. They also have a jet ski and trailer that they store in their garage, that they would like to store in a shed, so they could actually park their cars in the garage. They have lived in Brecksville for four years and love the community. He stated that he read somewhere that you are allowed to have two accessory structures on the property. Mr. Synek stated that the code just states the maximum size of the building. Mr. Henard thought he understood a maximum of two buildings, and explained that he was trying to avoid having two structures on his property by having a slightly larger shed to fit everything. Mr. Rose clarified that the size shed he is proposing will hold everything he needs it to. Mr. Henard stated that 12x16 is a perfect size for what he has to store. Mr. Henard explained that they care about what the shed looks like from the street and from their neighbor's properties, and that is why they took the time to talk to them. The shed will be a white vinyl shed and showed them the pictures on the overhead diagram. It will be similar to the style of their home. The house is currently a grey aluminum siding, and hopefully in the next few years they will reside the house with white vinyl siding, black trim and shutters, which will match it.

Mr. Rose clarified with Mr. Henard that you will be able to see a portion of the shed as you view it from the street, and asked if he intended to install some landscaping so that it would be screened from the street. Mr. Henard stated that it will actually be even and in line with their house and explained showed the Board pictures that he took from the street. Mr. Rose clarified that they do intend to tuck it back. Mr. Henard stated that was correct.

Mr. Hasman asked Mr. Synek if the shed will meet the height requirement. Mr. Synek stated that our requirement on accessory structures is 15 ft., which is measured from the midpoint between the eave and the ridge. The height will not be an issue with this shed.

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

MOTION CARRIED

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
July 7, 2014**

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

Absent: Mayor Hruby, Kim Veras, Bruce McCrodden

Others: Building Inspector Synek, 6 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF JUNE 9, 2014

Motion by Mr. Opatrny, seconded by Ms. Roberts to approve the Regular Meeting Minutes of June 9, 2014 as recorded.

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

APPEAL 2014-29

Motion by Ms. Roberts, 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 located at 9601 Highland Road, PP# 603-19-040, PP# 603-19-002, and PP# 603-19-005.

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

APPEAL 2014-35

Motion by Mr. Opatrny seconded by Ms. Roberts, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1117.09 requiring lots to generally be rectangular in shape to allow a non-rectangular lot for the consolidation of PP# 603-19-040, PP# 603-19-002, and PP# 603-19-005 located at 9601 Highland Road.

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

APPEAL 2014-31

Motion by Mr. Hasman, seconded by Ms. Roberts, that the Board of Zoning Appeals recommend to City Council approval for Parcel A-1, for a variance from Section 1157.29(d)(2) of 19.3 ft. from the minimum required 25 ft. to allow 5.7 ft rear yard parking setback for a lot split located at 6500-6600 W. Snowville Road, PP# 604-25-005.

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

APPEAL 2014-33

Motion by Ms. Roberts, seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.39(5) of 4 ft. from the maximum 6 ft. front yard projection to allow 10 ft. for a front porch addition located at 10655 Partridge Trail, PP# 602-05-052.

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

APPEAL 2014-34

Motion by Mr. Opatrny, seconded by Mr. Hasman, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.25(d) of 48 sq. ft. from the maximum 144 sq. ft. to 192 sq. ft. for a shed located at 8397 Vera Drive, PP# 601-14-027.

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

REGULAR MEETING COMMENTS FROM THE BOARD OF ZONING APPEALS TO CITY COUNCIL

Regarding Appeal 2014-31, Mr. Rose stated they do have a compliance issue and that the Board recommends to City Council a 5.7 buffer area.

Mr. Rose also wanted to state for the record, that the Board has had a number of minor shed variances that are for various similar reasons, and wondered if it was time for a meeting of City Council to consider whether 144 sq. ft. for a shed is still an appropriate size, given how people’s lives have changed, and people have larger equipment and items to store.

REPORT OF COUNCILWOMAN VERAS

No Report. Councilwoman Veras was not in attendance.

REPORT OF MAYOR HRUBY

No Report. The Mayor was not in attendance.

Motion by Mr. Opatrny, seconded by Mr. Hasman to close the Regular Meeting at 8:08 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