

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
June 9, 2014**

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

Absent: Mayor Hruby

Others: Building Inspector Synek, 7 guests

APPEAL 2014-26

Frank & Annette Lamanna for a variance from Section 1151.06(i)(2)(B) to park a motor home in the driveway instead of storing wholly within a garage or in the rear yard as required by code located at 10207 Highland Drive, PP# 604-21-012.

Mr. and Mrs. Lamanna spoke to the Board regarding their appeal. Mr. Lamanna stated that their property is on a slope and the only flat part of their property is near the garage. There is no way to get the recreational vehicle to the rear of the property because of the slope and the turnpike. He stated he is 185 ft. off the street and you can't really see it unless you look straight down his driveway. Mr. Lamanna stated that there is no way he could move it any further back than where it is now. Mr. Rose clarified that he was unable to move it behind any structure. Mr. Lamanna stated that was correct, and proceeded to explain it by showing him on the overhead diagram. He explained that one side of the house is actually below ground level, and there are many trees and the slope. Mr. Rose asked Mr. Lamanna if it was due to the topography that he could not install a circle drive with a pad for the recreational vehicle. Mr. Lamanna stated that was correct, he could not install a driveway in the rear because it is so wet in the rear of the home.

Mr. Hasman asked if their neighbors had commented on the recreational vehicle. Mr. and Mrs. Lamanna submitted letters from two neighbors. Mr. Rose wanted the record to reflect that Elaine Giganti, 10255 Highland Drive, and Anthony & Audra Camerieri, 10231 Highland Drive, both had no problem with storing the recreational vehicle on the property.

Mr. Rose asked Mr. Synek if the Building Department found this. Mr. Synek stated that the Building Department received a complaint.

Mrs. Lamanna explained that there is a turnpike on the other side of them, and there are no neighbors there at all.

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

MOTION CARRIED

APPEAL 2014-27

Dan Martin for a variance from Section 1151.24 of 34 ft. from the minimum 125 ft. front yard setback to allow a 91 ft. front yard setback for the construction of a front porch and an addition on a non-conforming house located at 6203 Miller Road, PP# 604-06-004.

Mr. Martin spoke to the Board regarding his appeal. He stated they want to do a remodeling project on the house which had been the plan for the house a long time ago. There was a footed structure for the front porch on the plans that they would like to add on. There was also an existing enclosed room on the side that was a patio at one time, but turned into an office. They would like to tear it down and turn it into a master bedroom and bathroom. Mr. Martin stated that you can see the existing demolition plan on the plans that were submitted, and where the house is now. The front porch is actually smaller than the footed area that is on the demolition plan. They are asking to go out 2 ft. more towards the side lot line and go back further.

Mr. Rose clarified that they are basically adding 8 ft. to the front of the house with the front porch. Mr. Martin stated that was correct; there is already a footed structure there that is 10 ft. On the side they will be going out 4.6 ft. toward the side lot line. Mr. Rose asked Mr. Synek if this was another situation, that because it is a non-conforming house, anything you build would need a variance. Mr. Synek stated that was correct.

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

MOTION CARRIED

APPEAL 2014-28

Troy Usrey for a variance from (1) a variance from Section 1151.24 of 2 ft. from the minimum required 10 ft. side yard setback to 8 ft. and (2) a variance from Section 1151.24 of 3.1 ft. from the required total of two side yards of 30 ft. to allow 26.9 ft. for a deck located at 9132 Meadow Lane, PP# 601-22-042.

Mr. Usrey spoke to the Board regarding his appeal. He stated he is requesting a variance on the side lot line south of the house for a deck. He lives in a split level and would like to access the outside from his kitchen. The kitchen is raised and he would like to walk directly out onto the deck instead of going down steps to a patio. He explained that the first variance is for a 10 ft. minimum side yard, and he is on a non conforming lot. He stated that economically the boards that you purchase come in 12 ft. lengths and the kitchen bump out is located right there. In order to get a 12 ft. board in, he needs an additional 2 ft. past the house. The second variance is the total of two side yards meeting 30 ft., which he did not have to begin with. Mr. Rose clarified that the existing was already non-conforming. Mr. Usrey stated that was correct. Mr. Rose asked if he had spoke with his neighbors regarding this project. Mr. Usrey stated that he had spoken to his neighbor directly to the south, and that is the neighbor that would be affected the most by the deck, and they had no problem with it. Mr. Rose clarified with Mr. Usrey that this was the most economical use of building material, because the deck would already be relatively small. Mr. Usrey stated that was correct.

Mr. Opatrny asked Mr. Synek if the Fire Department looked at Fire Department access around the house. Mr. Synek stated that he did not ask.

Mr. Hasman stated that Mr. Usrey mentioned that it was not economical to purchase the 12 ft. boards and make them 2 ft. smaller. He asked Mr. Usrey if he could stay in compliance with the code, would he be happy with a smaller deck. Mr. Usrey stated that it would not be his preference, but it would be better than nothing.

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

MOTION CARRIED

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.

Mr. Rose stated that the appellant submitted a request to table the appeal until next month's meeting.

APPEAL 2014-030

Paul & Mary Maleski 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 9005 Snowville Road, PP# 605-15-007.

Mr. Maleski spoke to the Board regarding their appeal. He explained that he is requesting a variance for no sidewalks to follow suit with the rest of the homes on the street.

Mr. Rose made Mr. Maleski aware, that there is an agreement on this type of variance with the appellant, that when the City deems it appropriate to install sidewalks on his street, they will need to comply at that time. Mr. Maleski stated he had no problem with that.

Motion by Ms. Roberts, seconded by Mr. McCrodden 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.

There was no appellant present and the Board tabled the appeal.

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

MOTION TABLED

APPEAL 2014-32

The City of Brecksville for (1) a variance from Section 1155.32 of 45.5 ft. from the minimum front yard setback of 50 ft. to allow 4.5 ft. on Stadium Drive, and (2) a variance from Section 1155.32 of 56.64 ft. from the minimum front yard setback of 100 ft. to allow 43.36 ft. on Chippewa Road for construction of Brecksville's Service & Horticultural Building on a through lot located at 6916 Stadium Drive, PP# 601-31-013.

Mr. Steve Synek spoke to the Board on behalf of the City. The City purchased this property from the school board, and the buildings there are in need of replacement. It is an existing non-conforming lot and this went to the Planning Commission. They are going to replace the building that is near the street on Stadium Drive, it is an existing non-conforming building. Mr. Synek showed the diagram to the Board. Mr. Rose asked Mr. Synek what the setback was there now. Mr. Synek stated that he was unsure; it was not indicated on the drawing. Mr. Rose asked if it was a building for storage and vehicles. Mr. Synek stated that it will be storage and office space. Mr. Rose clarified with Mr. Synek, that the reason for not staying with the setbacks is the size of the building that is needed to do what the city needs. Mr. Synek stated that was correct, but that it was a non-conforming lot, and it abuts both Stadium Drive and Old Royalton Road. Mr. Synek explained that the depth of the lot does not allow the placement as required, and placing something smaller would not serve any purpose. Mr. Rose clarified that the point Mr. Synek was trying to make is that you can always push it back off of Stadium Drive, but then you will be up against Royalton Road. Mr. Synek stated that was correct.

Mr. Hasman asked why it would be a problem to push it back further, being that Royalton Road is so high up the hill. Mr. Synek stated that because it is also used for storage it will also house vehicles and the building would be a natural screening to other materials stored on site. The Horticultural Building, will store all their materials behind it. Mr. Hasman asked Mr. Synek if he understood him correctly, that the building will be located less than 5 ft. off of Stadium Drive. Mr. Synek stated that it would be located 5 ft. from the right-of-way. Mr. Hasman wanted to know how far the right of way is off the street. He was concerned about the building being located so close to the street with relation to safety, someone could drive along on an icy road and possibly hit the building. Mr. Synek stated that he didn't know the dimension to the existing building, but the right-of-way from the street is 30 ft. from the center. He explained that there should generally be 15 ft. of space from the pavement to the building. Mr. Hasman clarified that it could be 20 ft. from the edge of the road, and then another 5 ft. back from there. Mr. Synek stated that was correct and showed them on the overhead diagram.

Mr. Rose asked if the plan was to install asphalt up to the building. Mr. Synek stated it will be landscaped. Mrs. Veras confirmed that landscaping was the plan; she stated that

the architect made a presentation and will be almost like the building at Blossom. Mr. Rose asked to see the ingress and egress. Mr. Synek showed him and stated that it will be on both sides of the building.

Mr. Opatrny asked Mr. Synek if he had seen a landscape plan, and if there would be any shrubbery in front of the building. Mr. Synek stated that he did not see the plan. Mrs. Veras stated that it sounds as though it will be aesthetically pleasing, but that Planning Commission could speak to that more. Ms. Roberts added that the landscaping will be in good hands with Charles Owen our City Arborist.

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

MOTION CARRIED

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
June 9, 2014**

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

Absent: Mayor Hruby

Others: Building Inspector Synek, 7 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF MAY 12, 2014

Motion by Mr. Opatrny, seconded by Mr. Hasman to approve the Regular Meeting Minutes of May 12, 2014 as recorded.

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

Nays: None

MOTION CARRIED

APPEAL 2014-26

Motion by Ms. Roberts, seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.06(i)(2)(B) to park a motor home in the driveway instead of storing wholly within a garage or in the rear yard as required by code located at 10207 Highland Drive, PP# 604-21-012.

ROLL CALL: Ayes: Veras, Rose

Nays: Roberts, Opatrny, Hasman, McCrodden

MOTION DENIED

APPEAL 2014-27

Motion by Mr. McCrodden, seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 of 34 ft. from the minimum 125 ft. front yard setback to allow a 91 ft. front yard setback for the construction of a front porch and an addition on a non-conforming house located at 6203 Miller Road, PP# 604-06-004.

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

Nays: None

MOTION CARRIED

Motion by Mr. McCrodden, seconded by Mr. Hasman to close the Regular Meeting at 8:12 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