

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
February 10, 2014**

Present: Carl Opatrny, Robert Hasman, Mayor Hruby,
Kimberly Veras, Bruce McCrodden, Dennis Rose

Absent: Kathleen Roberts

Others: Building Inspector Synek, 18 guests

PUBLIC HEARINGS

APPEAL 2014-03

Steve Allen for (1) a variance from Section 1151.24 of 29 ft. from the required 125 ft. front yard setback to allow 96 ft. and (2) a variance from Section 1151.24 of 20 ft. from the required 60 ft. side yard setback to allow 40 ft. for the construction of a rear addition on a non-conforming house on a corner lot, and (3) a variance from Section 1185.03(b) of 50 ft. from the required 60 ft. side yard setback on a corner lot to allow a 10 ft. setback for a fence located at 9737 Brecksville Road, PP# 605-01-001.

Steve Allen spoke to the Board regarding his appeal. He explained that he recently purchased his home one month ago, but has lived in Brecksville for approximately 13 years. He and his family have been looking for a house that was closer to the downtown Brecksville area, because their son has to take public transportation to and from work. He stated that the house is small with 2 bedrooms and 1 ½ baths. Mr. Allen explained that the house is an older ranch, and to make it livable for his family, they would like to build an addition in the rear of the property, which will be a living room, kitchen and dining room. The front of the home will essentially stay the same, but they plan on taking the awnings down and update the landscaping. It is a non-conforming lot. Mr. Allen stated that they are also asking for a variance for a fence along Parkview Road, so that they can have some privacy from the traffic, because they will basically be utilizing the rear of the home.

Mr. Rose clarified with Mr. Synek that the front yard setback is due to the code change. Mr. Synek stated that was correct, any change to the home would need a variance. Mr. Rose also clarified that the fence variance was because it was a corner lot. Mr. Synek stated that was correct.

Mr. Allen stated that there was already an existing fence on the north property line that was approved in 1992. There is nothing across the back. He would like to install one along Parkview Road to keep the dog in. Mr. Allen stated that he would not know what he would do if the variances were not approved because buying this house was a gamble, not knowing if the variances would be approved. He

explained that they could have tried to get the variances approved before purchasing the home, but the previous owner lived out of state, and was elderly. The addition will be 28 x 28 and will extend 12 ft. past the garage. It will blend in to the existing house, and you will not be able to notice the addition from the main road.

Mr. Rose asked if there was any issue with the rear yard setback. Mr. Synek stated that there was not.

Mayor Hruby asked Mr. Allen if the type of fence that will be installed is Board on Board. Mr. Allen stated that it will be Board on Board, but then explained that it will be one board on the one side that faces Parkview with the posts set on the back side of the yard. Mr. Rose clarified with Mr. Allen that it will then be a 4 ft. stockade fence. Mr. Allen stated that it will not be stockade; it has the dog ear top and some space between boards, 2 to 3 inches, which will allow a little bit of privacy from the traffic on Parkview.

Mr. Opatrny asked what the color of the fence will be. Mr. Allen stated that it will be a tan color, and will blend with the addition's siding. It will not be wood, but plastic, so he would not have to paint it all the time.

Mr. Allen stated that he did speak with some of the neighbors on Brecksville Road that were in favor of the addition. Mr. Rose asked if he spoke with the neighbor directly behind him on Parkview Road. Mr. Allen stated that he did not, just the neighbors on Brecksville Road.

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

MOTION CARRIED

APPEAL 2014-04

Deborah Knox for a variance from Section 1151.06(i)(2)(B) to park a trailer in the driveway instead of storing wholly within a garage or in the rear yard at the rear most portion of the lot 10 ft. from the rear and side property lines located at 7772 Grenadier Lane, PP# 601-03-033.

Deborah Knox spoke to the Board regarding her appeal. Ms. Knox stated that she has lived there for 20 years. When they bought the property the existing owners had a trailer, a recreational vehicle and a boat on the side of the house. Ms. Knox explained that they do not want to park the trailer on the driveway; they would like to keep it parked along side of the house. The driveway extends all the way past the side of the home. Ms. Knox showed pictures of various views from the street and stated that with full vegetation you really do not see it at all, and they are at the end of the cul-de-sac. She also stated that when the new development was built in Independence, they installed a white 6 ft. fence so those properties cannot see it either. Ms. Knox explained that the only people who see it are two of her neighbors on the other side of the street, and one has come with her tonight to support her. The neighbor that lives beside her has come tonight as well. Ms. Knox stated that she

had the signatures of four of her neighbors (Lori Simich, 7792 Grenadier Lane, Erin Bilan, 7783 Grenadier Lane, Salvatore Corbo, 7793 Grenadier Lane and Diane Podowski, 7771 Plantation Drive) stating they have no objection, including the one that lives directly behind her. If they have to put the trailer on the back of the lot her neighbor would not be in favor of it for obvious reasons. Ms. Knox stated that it is an unusual situation with the topography, and it really isn't visible to anybody with the slope of the development. If the trailer is placed in the backyard, it would be visible to the three people behind her and her two neighbors to the south of her just because of the way the topography is. She stated that her neighbors like it where it is placed now.

Mr. Rose asked if the neighbor directly across from her was present. Ms. Knox stated that he was. Mr. Gene Hopkins, 7773 Grenadier Lane spoke to the Board. He stated that he lives directly across from her, and the way they have parked the trailer and covered it, you cannot really notice it. He had no objection to what they are doing. Janet Barnhart, 7782 spoke to the Board. She stated that if Ms. Knox had to place it in the backyard it would then be visible; right now you cannot see it. There is really no reason for anyone to come to the end of the street except for the people that live there. Ms. Barnhart stated that she truly supports it.

Mr. Rose asked how this came to the attention of the Building Department. Mr. Synek stated that our Property Maintenance Inspector found it while out on another issue in the neighborhood. Mr. Rose clarified that it was not based on a complaint. Mr. Synek stated that was correct.

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

APPEAL 2014-05

Matt Polak for a variance from Section 1185.02(d) to install wire mesh fence panels instead of a permitted type fence required by code located at 12265 Chippewa Road, PP# 602-16-013.

Matt Polak spoke to the Board regarding his appeal. Mr. Polak explained that they are going to be adopting pygmy goats. He submitted a memo from our Assistant Law Director sighting goats and chickens to be domestic animals. To make sure that the goats do not get out, and with the increase of coyotes that they do not want getting in, they are asking for a variance from the permitted type of fence to essentially corral type fencing with the horizontal cross members removed and 48" wire mesh panels placed over them on the inside.

Mr. Rose clarified that if he did not have the goats, there would not be a need for the wire mesh panels. Mr. Polak stated that was correct, if he didn't want the goats there would be no reason for the fence. Mr. Rose asked if the goat issue was resolved. Mr. Polak stated that a memo was submitted to the Board from the Assistant Law Director dated 3/12/13 recognizing goats and chickens as domestic animals. Mr.

Polak stated that when he met with the Building Commissioner he explained the he met all the qualifications for putting up a normal fence with regards to setbacks and location of the land, but because of the wire mesh panels, he would need a variance. Mr. Polak has spoken with other people that have raised goats, and these type of panels installed to slant slightly is what is needed. The fence will be 4 x 4 womanized outdoor rated wood with 16 ft. heavy duty panels. Mr. Polak stated that he has spoken with mostly all of the people on the list for the legal notice, including Mr. and Mrs. Harper who is present tonight. He stated that the only question his neighbors had, was when he was going to get them so they could come over to see them. His neighbor's across the street from him, Mr. and Mrs. Wolf were also considering purchasing goats.

Mayor Hruby asked Mr. Polak how many goats he planned on acquiring. Mr. Polak stated that the plan right now was for three, but he would potentially obtain four, since that is the limit per the memo from the City's Assistant Law Director. Mr. Polak stated that he had no idea that Ohio was as active with pygmy goats as they are, there are approximately 40 breeders in the State of Ohio and we have a very active Chapter.

Mayor Hruby asked if the Building Department notified the neighbor that is adjacent to him in the rear. Mr. Polak stated that would be Bob Belovich who is directly behind him at 7772 Sunstone Drive, and he has in fact spoken to him. Mr. Belovich's property is separated from his by a tree line, so the yard is pretty much not visible to him. Mr. Rose stated for the record that he received an email from Mr. Belovich that he does not object to the goats. Mr. Polak stated that the rest of his neighbors would be happy to provide signatures to City Council if needed, but they did not attend because no one objected.

Mr. Hasman asked Mr. Polak if the wire mesh panels had a trim across the top of it or was it solid wire. Mr. Polak stated that it is a solid panel. They are basically constructed as a welded heavy gauge wire and are finished along the top, and you can run your hand along it. The panels are 52 inch but the intention is to still comply with the 48 inch height requirement and bury the bottom 4 inches.

Mr. Rose asked what his intent was in purchasing the goats. Mr. Polak stated that he will have them as pets because they are a little more unique than a dog. They will be male goats so you cannot get milk from them. Mr. Rose asked if he would shear them. Mr. Polak stated that he would not; they would strictly be purchased as a pet. He went on to explain that you can teach them most things that a dog would learn, and they will walk with you. Mr. Polak stated that he is looking forward to taking them to the Metro parks because they love to climb on things. They are herd animals, so they don't really wander off.

Mr. Opatrny asked Mr. Polak to explain why he could not use a permitted type of fencing. Mr. Polak asked Mr. Synek to show a picture of the type of fencing that he was asking to use. He stated that the closest type of fence to what he would like to

install is either the split rail or paddock corral fencing with a wire mesh panel over it. He would remove the horizontal cross members, so that no coyotes could get in. It would basically be a paddock corral fence with 4 x 4 vertical members, 48 inches high and 8 ft. spacing with wire mesh panels installed across it. Mr. Opatrny clarified that it would be the paddock corral fencing. Mr. Polak stated that it would be without the horizontal members. Mr. Opatrny asked what the wire mesh panels looked like. Mr. Polak showed an example on the diagram, and explained that they are from Tractor Supply Company and are heavy welded galvanized panels that are used for cattle. Mr. Polak stated that he has spoke with people that raise goats, and they recommend it as the best type of fencing. Mr. Opatrny asked where the entrance gate would be located. Mr. Polak stated there will be two gates and show Mr. Opatrny the locations on the diagram.

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

MOTION CARRIED

APPEAL 2014-06

Doug & Shari Harper for a variance from Section 1151.24 of 55 ft. from the required 125 ft. front yard setback to 70 ft. for the construction of an addition on a non-conforming house located at 12125 Chippewa Road, PP# 602-16-011.

Doug & Shari Harper spoke to the Board regarding their appeal. Mrs. Harper stated that they are applying for a variance for an addition that will basically go over the existing footprint of the home. The space for the addition will not extend out any further than the home does now. Mr. Rose clarified with Mr. Synek that the setback has changed. Mr. Synek stated that was correct. Their home is the house that Doug's mother and aunt grew up in. Mrs. Harper explained that it is time to make it their own, and they would like to add the addition. Mr. Rose clarified with Mr. Synek that the house is an existing non-conforming house. Mr. Synek stated that was correct.

Mr. Matt Polak, 12265 Chippewa Road, stated that he supports their project.

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

MOTION CARRIED

APPEAL 2014-07

Ray Fogg Building Methods, Inc. for Cintas Document Management LLC., for (1) a variance from Section 1183.04(c) that parking stalls be 10x20' to permit 9x18 parking stalls, and (2) a variance from Section 1183.05 of 56 spaces from the required 696 land banked spaces to permit 640 land banked spaces for a document storage building addition located at 9250 Noble Park Drive, PP# 604-24-003 and PP# 604-25-001.

Frank Floyd, Engineer for Cintas Document Management, LLC. and Mike Novachek, Project Manager for Ray Fogg Building Methods, Inc. spoke to the Board regarding their appeal. Mr. Novachek stated that Cintas is considering a 21,000

square foot addition on to their existing facility. As they laid out the facility, and the proposed parking, and following the requirements of the code, they came up a few spaces short which would be more parking than what they would need for that building.

Mr. Rose clarified that this is strictly a warehouse, not a building with employees. Mr. Novachek stated that was correct. He went on to explain that they did two things to try and improve the number of spaces, most of them would be land banked anyway. They decreased the size to 9 x 18 and also the amount of spaces, which they needed variances for both. The majority will be land banked because the actual operation does not require nearly that number of personnel on site. Mr. Rose posed the question that if they hadn't changed the stall size, what affect would that have had. Mr. Novachek stated that it would probably have equated to another 10 percent. Mr. Floyd explained, that just so the Board understood, they will be storing boxes, there and don't have the need for that many spaces. Mr. Rose asked if all the parking spaces would be 9 x 18. Mr. Novachek stated that they were laid out that way to try and show how close they were to the required code. Mr. Novachek stated that at Ray Fogg, they build quite a few warehouses, and the 300 sq. ft. per space seems to not be the norm anymore, there are fewer and fewer number of personnel that is required because of various reasons and automated equipment, and is not needed nearly as often. They tried to come as close to the required number as they could, but again, that number is far more than they would ever use. Mr. Novachek stated that if they moved out and a similar use moved in they would have the same reasonable need for parking.

Mr. Rose asked how many people would be on one shift. Mr. Floyd stated that it varies per shift. They are a two shift operation and have approximately 90 people total.

Mr. Hasman asked how many parking spaces they have. Mr. Novachek stated that they are showing that they could provide 736, but they actually have 97 with the expansion. Mr. Rose clarified that the rest are land banked. Mr. Novachek stated that was correct.

Mr. Opatrny asked the question, that if they claim to have far more parking spaces than they need, why they have to make them smaller. Mr. Novachek stated that they don't have to make them smaller; but they made them smaller to show how close they can comply with the code. They could leave them the same size.

Mr. Rose clarified that Mr. Opatrny's question goes along with his question that they have two variances that are really not needed, they are land banked spaces, and so why have smaller spaces if they can comply. Mr. Floyd stated that they are trying to add roughly 21,000 sq. ft. and are trying to meet the code. Mr. Rose stated that the Board appreciates them trying to meet code, but they are looking at it more for practicality. Mr. Novachek stated that for practicality, they are not really creating any additional parking spaces, they are using existing pavement and are cutting some

out and putting in a building, so the only thing they are talking about is basically striping. Mr. Floyd stated that they appreciate the larger size parking spaces, but again, they are trying to meet the code requirement.

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

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
January 13, 2014**

Present: Carl Opatrny, Robert Hasman, Mayor Hruby,
Kimberly Veras, Bruce McCrodden, Dennis Rose

Absent: Kathleen Roberts

Others: Building Inspector Synek, 18 guests

APPROVAL OF THE 2013 BOARD OF ZONING ANNUAL REPORT

Motion by Mr. Opatrny, seconded by Mr. McCrodden to approve the 2013 Board of Zoning Annual Report as written.

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

APPROVAL OF THE REGULAR MEETING MINUTES OF JANUARY 13, 2014

Motion by Mayor Hruby, seconded by Mr. Hasman to approve the Regular Meeting Minutes of January 13, 2014 as recorded.

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

APPEAL 2014-48 – (TABLED FROM DECEMBER MEETING)

Mr. Rose stated that the Board tabled the appeal and he removed it from tabled, for the reason of getting the Law Department's opinion about the City's liability and also receiving an Indemnification Letter, which Mr. Randazzo has now submitted to the Board and was notarized.

Motion by Opatrny, seconded by Mr. Hasman, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1119.03(b) not to install the required hedge, fence or railing on a retaining wall that exceeds three feet in height located at 6875, 6885, 6895 Carriage Hill Drive, PP# 601-20-357 thru PP# 601-20-380.

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

APPEAL 2014-03

Before the vote Mr. Rose asked the appellant if he would like to vote separately on the variances because there are two different issues, the addition and the fence. Mr. Allen agreed, and stated that he would like to vote separately.

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 1151.24 of 29 ft. from the required 125 ft. front yard setback to allow 96 ft. and (2) a variance from Section 1151.24 of 20 ft. from the required 60 ft. side yard setback to allow 40 ft. for the construction of a rear addition on a non-conforming house on a corner lot,

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

MOTION CARRIED

Motion by Mr. McCrodden, seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for (3) a variance from Section 1185.03(b) of 50 ft. from the required 60 ft. side yard setback on a corner lot to allow a 10 ft. setback for a fence located at 9737 Brecksville Road, PP# 605-01-001.

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

MOTION CARRIED

APPEAL 2014-04

Motion by Mr. Hasman, 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 trailer in the driveway instead of storing wholly within a garage or in the rear yard at the rear most portion of the lot 10 ft. from the rear and side property lines located at 7772 Grenadier Lane, PP# 601-03-033.

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

MOTION CARRIED

APPEAL 2014-05

Motion by Mr. Opatrny, seconded by Mayor Hruby, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1185.02(d) to install wire mesh fence panels instead of a permitted type fence required by code located at 12265 Chippewa Road, PP# 602-16-013.

ROLL CALL: Ayes: Opatrny, Hasman, Hruby, Veras, Rose
 Nays: McCrodden

MOTION CARRIED

APPEAL 2014-06

Motion by Mayor Hruby, seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 of 55 ft. from the required 125 ft. front yard setback to 70 ft. for the construction of an addition on a non-conforming house located at 12125 Chippewa Road, PP# 602-16-011.

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

APPEAL 2014-07

Before the vote, Mr. Rose asked Mr. Synek and other members of the Board if they knew the calculation on the number of spaces needing a variance, if the parking space size was 10 x 20. Mr. Synek stated that he did not have that number, nor did anyone else. Mayor Hruby stated that this came before the Planning Commission and it was not an issue. He explained that a 9 x 18 parking space is common anymore, and the way they showed the construction of the building and the existing parking, it made sense to the Planning Commission.

Motion by Mr. Hasman, seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1183.04(c) that parking stalls be 10x20' to permit 9x18 parking stalls, and (2) a variance from Section 1183.05 of 56 spaces from the required 696 land banked spaces to permit 640 land banked spaces for a document storage building addition located at 9250 Noble Park Drive, PP# 604-24-003 and PP# 604-25-001.

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

REPORT OF COUNCILWOMAN VERAS

No Report.

REPORT OF MAYOR HRUBY

Mayor Hruby reported there will be two State of the City addresses. The first one will be on February 18, 2014 at 2:00 p.m. and the second one will take place on February 19, 2014 at 6:00 p.m. at which time they will announce both the Business of the Year and the Citizen of the Year.

Motion by Mr. McCrodden, seconded by Mr. Hasman to close the Regular Meeting at 8:17 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