

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
February 8, 2021**

Present: Roberts, Caruso, Hasman, Hruba, Collin, McCrodden, Rose

Absent: None

Others: Building Inspector Synek, 12 guests

PUBLIC HEARINGS

Mr. Rose started the meeting with an explanation of the code, the job of the Board of Zoning Appeals Committee, and the process of appeal.

APPEAL 2021-02

Richard Williams for (1) a variance from Section 1151.24 from the minimum required 125 ft. front setback to allow 110.2 ft., and (2) a variance from Section 1151.26(2) minimum 10 ft. side yard setback required to allow 7.6 ft., and (3) a variance from Section 1151.24 a minimum 30 ft. total side yards required to allow 20 ft., for an attached garage on the rear of a non-conforming house located at 4711 Oakes Road, PP# 603-03-012.

Mr. Williams spoke to the Board regarding his appeal. Mr. Williams explained that they were respectfully requesting a variance, based on the fact that their home was built in 1953. The garage as it stands now, is 19.5 x 20 ft., and is barely a two car garage. He went on to state that it all worked back in 1953, when you had one car and some tools, but today, to fit two normal size cars in it, is a challenge. He went on to explain that they would like to bump the garage out, and make it a little wider and deeper. Mr. Williams stated that he got the permission from his neighbor to the west of him, and has spoken with some of the other neighbors, that aren't even within eyesight of the home, and they are fine with it as well. Mr. Williams added that he knew it wasn't a hardship, but there are two of them, and they have three vehicles. He stated that he did not want to leave one of the cars parked in the driveway, for various reasons, including it was insightful.

Mr. Rose clarified with Mr. Williams, that there was no way he could do this project without getting the variance. Mr. Williams stated that was correct, he was not asking for a third garage, he was simply asking for four feet. Their current cars barely fit in their garage now, they can barely get the car doors open, and it is a problem. Mr. Williams felt that what he was asking for was not unreasonable. He also stated that he doesn't plan on moving, he has been here for 23 years and loved Brecksville.

Mr. Hasman asked Mr. Williams, on the west side of the expanded garage, will he have sufficient room to move lawn maintenance equipment from front to back. Mr. Williams stated that he will.

Mr. Rose clarified with Mr. Synek that the front yard setback was a result of a zoning change. Mr. Synek stated that was correct, on a non-conforming house. The Mayor stated that it is currently non-conforming.

Mr. Rose opened up questions to the audience. There were none.

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

APPEAL 2021-03

J. Kapela Designs for Steve Demko for a variance from Section 1151.24 from the minimum required 125 ft. front setback to allow 77.3 ft. for a rear addition on a non-conforming house located at 9013 Highland Drive, PP# 601-33-004.

Jim Kusa, Auburn Home Builders, spoke to the Board regarding Mr. Demko's appeal. Mr. Kusa stated that the house was built in 1861, and the approximate square footage is approximately 1800 sq. ft. The owners are looking to add a master suite on the first floor, to the rear of the home, and the existing home is non-conforming.

Mr. Rose clarified with Mr. Kusa that there is no problem with the rear yard setback. Mr. Kusa stated that was correct. Mr. Rose stated that it is a setback issue, because the house is non-conforming with the zoning change. Mr. Rose clarified with Mr. Synek that there is no problem with the rear yard setback. Mr. Synek stated that was correct, the only setback is because of the house, and the zoning change of a front yard setback of 125 ft. This house is sitting at 70 ft.

Mr. Rose opened up questions to the audience. There were none.

Motion by Mr. Caruso, seconded by Mr. McCrodden, to close Public Hearing. **MOTION CARRIED**

APPEAL 2021-04

David Hicks for a variance from Section 1185.03(a) to allow a fence to be installed in the front yard per the attached site drawing (not permitted) located at 9019 Highland Drive, PP# 601-33-031.

Mr. Hicks spoke to the Board regarding his appeal. He explained the shape of his yard and the location of the fence, on the overhead screen. He went on to explain, that he didn't have that much of a back yard, because of the woods, the landscaping, and different types of terrain. The front yard, in comparison, is fairly large. He went on to state that he had six children, and would like to put up a fence in the front yard so there could be a safe space for them to play. Highland Drive is pretty busy with traffic. Mr. Hicks went on to explain, that the fence didn't even need to be that high, and he included a picture of a white picket fence, but would be open to other suggestions.

Mr. Rose stated that there were a number of approved types of fencing, and if the Board were to grant the variance, he may want to ask the Building Department, or talk with his neighbors about what they may like to see, but that was up to him. Mr. Rose stated that Mr. Hicks did get letters of support from three of his neighbors. Mr. Rose clarified with Mr. Hicks, that the issue was the safety and security of his children, and his hardship was not having a lot of usable area in the rear. Mr. Hicks stated that was correct.

Mr. Collin, asked Mr. Hicks, if he considered clearing some of the brush and vegetation in the back of his yard to enlarge it. Mr. Hicks stated that it did cross his mind, and it would be a good idea, but he had never done anything like that before, and had no idea of the cost. He did, however, like that that the woods and vegetation provided some privacy between his yard and the condos behind him.

Mr. Rose asked if he would have to take trees down as well as brush to open up his backyard. Mr. Hicks stated that he would, it is wooded there.

Mr. Rose opened up questions to the audience. Steve Demko, 9012 Highland Drive, spoke to the Board. He stated that Mr. Hicks came to him, personally, to talk with him. He stated that both, from a cosmetic and safety standpoint, he felt the fence was a great idea. Mr. Hicks has a lot of children that are outside playing, and the cars go fast on Highland Drive, the street needs more enforcement.

Keith Knerem, 9043 Highland Drive, spoke to the Board. He stated that he was all for the fence, and also agreed that people drive down Highland Drive pretty fast.

Mr. McCrodden asked Mr. Synek, if the Board passed the appeal, would the type of fencing be subject to the discretion of the Building Department. Mr. Synek stated that it would, by City ordinance.

Motion by Mr. Collin, seconded by Mr. Caruso, to close Public Hearing. **MOTION CARRIED**

APPEAL 2021-05, WITHDRAWN - Anthony Dimassa for (1) a variance from Section 1151.24 minimum 20 ft. side yard setback required to allow 6.31 ft., and (2) a variance from Section 1151.24 a minimum 40 ft. total side yards required to allow 27.74 ft., for an attached garage located at 2363 Springside Oval, PP# 604-19-038.

APPEAL 2021-06

Dream Decks for Mark & Rebecca Lang for a variance from Section 1151.24 minimum required 60 ft. to allow a 48 ft. rear yard setback for a covered deck located at 9735 Highland Drive, PP# 604-05-014.

Mr. Rose recused himself from the discussion and vote, explaining that the owner is his personal physician. He handed the discussion over to Mr. Hasman.

Joanna Brown, Dream Decks, spoke to the Board regarding the Lang's appeal. She stated that with regard to the setback, it didn't allow the homeowners to use their yard in any meaningful way. The existing deck comes out quite far, and the new project won't be much further into the yard. The yard is fenced in and won't interfere with the numbers in any way.

Mr. Hasman clarified with Ms. Brown, that it would be an extension of approximately 12 ft. from where the deck is currently. Ms. Brown stated that was correct. Mr. Hasman asked if the current deck will be removed, or will it be replaced by the new deck. Ms. Brown stated that it will be

removed and rebuilt. Mr. Hasman asked if the owners had spoken with their neighbors regarding the new project. Ms. Brown stated that she did not know.

Mr. Rose opened up questions to the audience. There were none.

Motion by Mr. McCrodden, seconded by Mr. Caruso, to close Public Hearing. **MOTION CARRIED**

APPEAL 2021-07

James & Maria Hummel for (1) a variance from Section 1151.22 requirement of 20,000 square feet minimum lot area to allow 17,950 square feet, and (2) a variance from Section 1151.22 requirement of 150 feet minimum lot width to allow 118.13 ft., and (3) a variance from Section 11512.22 requirement of 250 ft. minimum lot depth to allow 155.70 ft. for a lot split and consolidation located at 10516 Fitzwater Road, PP# 602-03-015 and 10614 Fitzwater Road, PP# 602-03-014.

James Hummel spoke to the Board regarding their appeal. He stated that they have lived in their home 29 years, and the home sits directly across from Forestdale Drive, which runs into Fitzwater Road. There is a large amount of traffic in and out of there, early morning and very late in the evening. They have a 20 ft. picture window on the front of their home, and at night the cars that come out from Forestdale Drive, and shine their bright lights into their home. Mr. Hummel went on to explain, that years ago, the previous neighbor at 10516 Fitzwater Road, planted a number of blue spruce trees to block the lights and it solved that problem for them. Unfortunately, they moved away, and a subsequent neighbor moved in. Just before that neighbor moved out, she cut down the trees. The current owner at 10516 Fitzwater Road, Lisa Matta, has offered to give them a section of her land, so they can create a landscape buffer, and control that situation from never happening again. Mr. Hummel stated that it is a nuisance and a safety issue. He also explained that his wife is an avid gardener, and when she is working out front, cars stop at Fitzwater Road and Forestdale Drive, and frequently sit there and stare at her, and it bothered her.

Mr. Rose stated that his neighbor should be commended for helping to solve their problem. Mr. Hummel agreed, and stated that she was gifting that section of land to them.

Mr. Caruso stated that he remembered hearing when they came before the Planning Commission, what a nice neighbor she was.

Mayor Hruby stated that the Planning Commission was all in favor of this.

Mr. Rose opened up questions to the audience. There were none.

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

APPEAL 2021-08

Kris Monaco-Geis for (1) a variance from Section 1151.25(d)(1) maximum 660 sq. ft., to allow 1008 sq. ft., and (2) a variance from Section 1181.11(b) 15 ft. maximum building height to allow 18.25 ft. height for the construction of a detached garage located at 7601 Parkview Road, PP# 605-01-013.

Mr. Rose recused himself from the discussion and vote, because of the relationship his firm had with Mr. Geis and his company. He handed the discussion over to Mr. Hasman.

Mr. Geis spoke to the Board regarding his appeal. He stated that he was representing himself and his wife, as well as his brother and sister in law. Mr. Geis bought the property next door to this house about 18 months ago, and when they bought the house it was abandoned. The house was built in 1907, and Mr. Geis went on to explain, that he should have torn it down, but he didn't have the heart. Since then, they have improved the house and the yard. They also painted the old garage and installed new garage doors. The garage doors were 6 ft. tall, and he couldn't get his vehicle in the garage without taking the roof off it. He stated that his brother and sister in law have a pickup truck and a car, as well as yard equipment, including a riding lawn mower, because the property is two acres. He went on to explain that they had an idea to take the old garage down and build the new garage. Unfortunately, the zoning code doesn't really allow for a three car garage. Only a third of the garage will extend out from behind the house. Mr. Geis explained that they would have loved to have built an attached garage, but it wasn't practical, because of how the house was configured and its location. They are putting an 8 ft. door in, to allow for a pickup truck between the framing members, and then the pitch took them to 18 ft. He felt that the look of the garage would be consistent with the neighborhood. The new garage will allow a 12 ft. distance between cars and another 12 ft. for equipment.

Mr. Hasman stated that his first question would have been, why he needed the additional height, but stated that Mr. Geis sufficiently explained it. Mr. Hasman asked if he had spoken to his neighbor on the west side. Mr. Geis stated that the neighbor to the west, is an older gentleman, and is retired, and hasn't really engaged in any conversation with him. He has gotten to know some of the other neighbors in the area. Mr. Geis stated that they will be staying within their setbacks.

Mr. Collin asked Mr. Geis if there will be any storage or work area in the elevated part of the garage. Mr. Geis stated no, it will be a single story garage.

Mr. Rose opened up questions to the audience. There were none.

Motion by Mayor Hruby, seconded by Mr. Caruso, to close Public Hearing. **MOTION CARRIED**

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
February 8, 2021**

Present: Roberts, Caruso, Hasman, Hrubby, Collin, McCrodden, Rose

Absent: None

Others: Building Inspector Synek, 12 guests

APPROVAL OF THE 2020 BOARD OF ZONING APPEALS ANNUAL REPORT

Motion by Mayor Hrubby, seconded by Mr. McCrodden, to approve the 2020 Board of Zoning Appeals Annual Report as written.

ROLL CALL: Ayes: Roberts, Caruso, Hasman, Hrubby, Collin, McCrodden, Rose

Nays: None

MOTION CARRIED

APPROVAL OF THE REGULAR MEETING MINUTES OF JANUARY 11, 2021

Motion by Mr. Caruso, seconded by Mr. Collin, to approve the Regular Meeting minutes of January 11, 2021, as recorded.

ROLL CALL: Ayes: Roberts, Caruso, Hasman, Hrubby, Collin, McCrodden, Rose

Nays: None

MOTION CARRIED

APPEAL 2021-02

Motion by Mr. McCrodden, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1151.24 from the minimum required 125 ft. front setback to allow 110.2 ft., and (2) a variance from Section 1151.26(2) minimum 10 ft. side yard setback required to allow 7.6 ft., and (3) a variance from Section 1151.24 a minimum 30 ft. total side yards required to allow 20 ft., for an attached garage on the rear of a non-conforming house located at 4711 Oakes Road, PP# 603-03-012.

ROLL CALL: Ayes: Hasman, Hrubby, Collin, McCrodden, Roberts, Caruso, Rose

Nays: None

MOTION CARRIED

APPEAL 2021-03

Motion by Mr. Caruso, seconded by Mayor Hruby, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 from the minimum required 125 ft. front setback to allow 77.3 ft. for a rear addition on a non-conforming house located at 9013 Highland Drive, PP# 601-33-004.

ROLL CALL: Ayes: Roberts, Caruso, Hasman, Hruby, Collin, McCrodden, Rose
Nays: None

MOTION CARRIED

APPEAL 2021-04

Motion by Mr. Hasman, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1185.03(a), to allow a fence to be installed in the front yard per the attached site drawing (not permitted) located at 9019 Highland Drive, PP# 601-33-031.

ROLL CALL: Ayes: McCrodden, Roberts, Caruso, Hasman, Hruby, Collin, Rose
Nays: None

MOTION CARRIED

APPEAL 2021-06

Motion by Mayor Hruby, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 minimum required 60 ft. to allow a 48 ft. rear yard setback for a covered deck located at 9735 Highland Drive, PP# 604-05-014.

ROLL CALL: Ayes: Collin, McCrodden, Roberts, Caruso, Hruby
Nays: Hasman
Abstain: Rose

MOTION CARRIED

APPEAL 2021-07

Motion by Mr. Hasman, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1151.22 requirement of 20,000 square feet minimum lot area to allow 17,950 square feet, and (2) a variance from Section 1151.22 requirement of 150 feet minimum lot width to allow 118.13 ft., and (3) a variance from Section 11512.22 requirement of 250 ft. minimum lot depth to allow 155.70 ft. for a lot split and consolidation located at 10516 Fitzwater Road, PP# 602-03-015 and 10614 Fitzwater Road, PP# 602-03-014.

ROLL CALL: Ayes: Caruso, Hasman, Hruby, Collin, McCrodden, Roberts, Rose
Nays: None

MOTION CARRIED

APPEAL 2021-08

Motion by Mr. Collin, seconded by Mr. McCrodden, that the Board of Zoning Appeals recommend to City Council approval for a (1) a variance from Section 1151.25(d)(1) maximum 660 sq. ft., to allow 1008 sq. ft., and (2) a variance from Section 1181.11(b) 15 ft. maximum building height to allow 18.25 ft. height for the construction of a detached garage located at 7601 Parkview Road, PP# 605-01-013.

ROLL CALL: Ayes: Hruby, Collin, McCrodden, Roberts, Caruso, Hasman
Nays: None
Abstain: Rose
MOTION CARRIED

REPORT OF COUNCILMEMBER CARUSO

No Report.

REPORT OF MAYOR HRUBY

No Report.

Motion by Mr. Hasman, seconded by Mr. Caruso, to close the Regular Meeting at 8:11 p.m.

MOTION CARRIED

THE BRECKSVILLE BOARD OF ZONING APPEALS

DENNIS ROSE, CHAIRPERSON

ROBERT HASMAN, VICE CHAIRPERSON

KATHLEEN ROBERTS, SECRETARY

Public Hearing and Regular Meeting recorded by Gina Zdanowicz