

PUBLIC HEARING FRONT YARD SETBACK – 4311 OAKES ROAD  
BRECKSVILLE PLANNING COMMISSION  
Community Room – Brecksville City Hall  
March 5, 2020 Page 1

Present: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto, Kirk Roman,  
Dominic Sciria

Others: Eric Hall, Gerald Wise, and approximately 16 guests

Mr. Roman opened the public hearing at 7:00 p.m. by reading the following legal notice published in the February 20, 2020 issue of the *Sun Star Courier*.

The Brecksville Planning Commission will hold a Public Hearing at 7:00 p.m. on Thursday, March 5, 2020, in the Community Room of Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio to establish a front yard setback of 55' for a lot split located at 4311 Oakes Road, Brecksville, Ohio, PP# 603-02-006.

Mr. Dan Neff, of Neff Associates, was present on behalf of a request to establish a frontyard setback of 55 feet for a newly established lot at 4311 Oakes Road. The proposed 55 foot setback represented an average of the setback of the homes adjacent to the new lot. Mr. Neff offered to review his drawings, and aerial map of the area, with anyone in the audience. Messrs. David Wojciak, 3846 Boxelder Drive, and William Schaffeld and his wife, 3806 Boxelder Drive reviewed the proposal with Mr. Neff and both had no objections to the proposed setback.

There were no further comments from the Commission or the Public. Mr. Roman advised that the matter would come up again in the Work Session later in the evening. The Public Hearing closed at 7:04 p.m.

THE BRECKSVILLE PLANNING COMMISSION

KIRK ROMAN, CHAIRMAN  
DOMINIC SCIRIA, VICE CHAIRMAN  
ERIC LAHRMER, SECRETARY

Minutes recorded by Nancy Dimitris

PUBLIC HEARING TO CONSIDER FRONT YARD SETBACK – 8524 & 8536 WIESE ROAD  
BRECKSVILLE PLANNING COMMISSION  
Community Room – Brecksville City Hall  
March 5, 2020 Page 1

Present: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto, Kirk Roman,  
Dominic Sciria  
Others: Eric Hall, Gerald Wise, and approximately 16 guests

Mr. Roman opened the public hearing at 7:04 p.m. by reading the following legal notice published in the February 20, 2020 issue of the *Sun Star Courier*.

The Brecksville Planning Commission will hold a Public Hearing at 7:05 p.m. on Thursday, March 5, 2020, in the Community Room of Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio to establish a front yard setback of 307.6 feet for 8524 Wiese Road and 417.9 feet for 8536 Wiese Road located on Permanent Parcels# 602-09-002 and 602-11-001, Brecksville, Ohio 44141.

Mr. Dan Neff, of Neff Associates, was present on behalf of a request to consolidate PP# 602-09-002 and PP# 602-11-001 into one lot, split that lot into two parcels to create Parcel A (10.1281 acres) at 8524 Wiese Road, and Parcel B (4.8783 acres) at 8536 Wiese Road. The applicant is requesting frontyard setbacks of 307.6 feet for 8524 Wiese Road and 417.9 feet for 8536 Wiese Road.

Mr. Neff explained the variances being requested that related to 1) Not requiring sidewalks, 2) Permitting an irregular lot form, and 3) Permitting a zero side lot line due to the topography of the lot along the common driveway that was being requested for the properties. Mr. Neff indicated there would be an easement in place for the common drive being shared by brothers-in-law who would be building on the lots.

Mr. Timothy Calvey, 8473 Settlers Passage, asked about the setback per Code for those lots. Mr. Wise explained that there was no established Code setback for that area, so the setbacks had to be established by the Planning Commission. Mr. and Mrs. Calvey, and Mr. Thomas Kryza, 8558 Wiese Road approached Mr. Neff to review the proposed lot plan. Mr. Neff noted there would be a common drive up to the homes that would sit on a plateau above a ravine. He indicated that the topography of the area was the determining factor for the requested setbacks. Mr. Calvey was concerned about the nearness of the homes to the lot he owned, together with the removal of trees, that would impact his privacy. Mr. Neff assured him that their planning for the site was focused to saving as many trees as possible. Mr. Wise commented that the homes could not be pushed forward any further due to the location of the slope. There was a question on any further development on the two lots and Mr. Neff confirmed that each lot would have only one home.

There were no further comments from the Commission or the Public. Mr. Roman advised that the matter would come up again in the Work Session later in the evening. The Public Hearing closed at 7:16 p.m.

THE BRECKSVILLE PLANNING COMMISSION

KIRK ROMAN, CHAIRMAN  
DOMINIC SCIRIA, VICE CHAIRMAN  
ERIC LAHRMER, SECRETARY

Minutes recorded by Nancy Dimitris

REGULAR MEETING  
BRECKSVILLE PLANNING COMMISSION  
Community Room – Brecksville City Hall  
March 5, 2020 Page 1

Present: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto, Kirk Roman,  
Dominic Sciria

Others: Eric Hall, Gerald Wise, and approximately 16 guests

Mr. Roman opened the Regular Meeting of the Planning Commission at 7:16 p.m.

APPROVAL OF THE REGULAR MEETING MINUTES OF FEBRUARY 20, 2020

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission Regular Meeting Minutes of February 20, 2020 be approved.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto,  
Kirk Roman, Dominic Sciria  
Nays: None  
MOTION CARRIED

APPROVAL OF THE WORK SESSION MEETING MINUTES OF FEBRUARY 20, 2020

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission Work Session Meeting Minutes of February 20, 2020 be approved.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto,  
Kirk Roman, Dominic Sciria  
Nays: None  
MOTION CARRIED

REPORT OF COUNCIL REPRESENTATIVE

Mr. Harwood reported that at their last meeting City Council approved the Russell Real Estate sign.

REPORT OF MAYOR HRUBY

Mayor Hruby reported that on March 17, 2020, City Council would be having the third reading of the six ordinances relating to the location of Sherwin Williams on the Valor Acres site. Mr. Harwood noted a reference in the *Sun Star Courier* that the vote was being delayed by City Council was incorrect, as the three readings were occurring on schedule.

REPORT OF CITY ENGINEER No Report

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

LULI LOT SPLIT AND FRONT YARD SETBACK – 4311 OAKES ROAD

It was moved by Mr. Sciria and seconded by Mr. Harwood that the Planning Commission recommend to City Council approval of a lot split and establishment of a front yard setback of 55 feet on Parcel A-1 at 4311 Oakes Road as described on the attached application, and the plat drawing by Neff Associates, both dated January 17, 2020 and subject to approval by the Board of Zoning Appeals of the following variances:

- Section 1151.22 requirement that R-20 lots on a collector street be at least 150 feet in width to allow 111 feet for parcel A.

REGULAR MEETING  
BRECKSVILLE PLANNING COMMISSION  
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- Section 1151.22 requirement that R-20 lots on a collector street be at least 150 feet in width to allow 104 feet for parcel A-1.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto,  
Dominic Sciria  
Nays: Kirk Roman  
MOTION CARRIED

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

DIGERONIMO LOT CONSOLIDATION, SPLIT & FRONTYARD SETBACK – 8524 & 8536 WIESE ROAD

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission recommend to City Council Preliminary and Final approval to consolidate PP# 602-09-002 and PP# 602-11-001 and split the combined lot into two parcels to create Parcel A, 10.1281 acres with address 8524 Wiese Road, and Parcel B, 4.8783 acres with address 8536 Wiese Road, and establish front yard setbacks of 307.6 feet for Parcel A and 417.9 feet for Parcel B as shown on the drawings 1 and 1 of 1 by Neff & Associates dated February 24, 2020 and March 2, 2020 respectively. This action is contingent upon approval of the City Engineer and contingent on approval of the Board of Zoning Appeals for the following variances:

For Parcel A:

- From the Section 1119.09(d) requirement that public sidewalks be installed to not install public sidewalks until such time as the City deems appropriate.
- From the Section 1117.09 requirement that lots be generally rectangular in form to allow a lot with irregular form.
- From the Section 1151.26 requirement that driveways be 3 feet from the side lot line to allow 0 feet.

For Parcel B:

- From the Section 1119.09(d) requirement that public sidewalks be installed to not install public sidewalks until such time as the City deems appropriate.
- From the Section 1117.09 requirement that lots be generally rectangular in form to allow a lot with irregular form.
- From the Section 1151.22 requirement that R-60 lots on a collector street have a width of 200 feet to allow 174.7 feet.
- From the Section 1151.26 requirement that driveways be 3 feet from the side lot line to allow 0 feet.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Eric Lahrmer, Ron Payto,  
Kirk Roman, Dominic Sciria  
Abstain: Mayor Hruby  
Nays: None  
MOTION CARRIED

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

BBHCSD SCHOOL & FIELD HOUSE LOT SPLIT – 3500 OAKES ROAD

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission recommend to City Council **FINAL** approval of a lot split of Parcel# 603-09-004, located at 3500 Oakes Road, Brecksville, Ohio 44141 to create Parcel A, 25.000 acres, and Parcel B, 49.9997 acres as described in the application dated February 21, 2020, and shown in the attached plat drawing by Lewis Land Professionals, Incorporated, dated February 19, 2020, contingent on approval by the City Engineer and approval by the Board of Zoning Appeals of the following variances:

Parcel A:

- From Section 1153.32 minimum 50 foot rear yard building setback requirement to allow 0 feet.
- From Section 1153.32 minimum 50 foot side yard building setback required to allow 42.55 feet.
- From Section 1153.32 minimum 15 foot side yard setback required to allow 10.18 feet for an open use.

Parcel B:

- From Section 1153.32 minimum 25 foot rear yard building setback requirement to allow 0 feet.
- From Section 1113.14(c) requirement that zoning lots abut dedicated streets to allow a parcel that does not abut a dedicated street.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto,  
Kirk Roman, Dominic Sciria  
Nays: None  
MOTION CARRIED

The Regular Meeting closed at 7:45 p.m.

THE BRECKSVILLE PLANNING COMMISSION

KIRK ROMAN, CHAIRMAN  
DOMINIC SCIRIA, VICE CHAIRMAN  
ERIC LAHRMER, SECRETARY

Minutes recorded by Nancy Dimitris

WORK SESSION  
BRECKSVILLE PLANNING COMMISSION  
Community Room – Brecksville City Hall  
March 5, 2020 Page 1

Present: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto, Kirk Roman,  
Dominic Sciria  
Others: Eric Hall, Gerald Wise, and approximately 16 guests

Mr. Roman opened the Work Session at 7:18 p.m.

#### LULI LOT SPLIT AND FRONTYARD SETBACK – 4311 OAKES ROAD

Mr. Dan Neff, of Neff Associates, was present on behalf of a request to establish a frontyard setback of 55 feet for a newly established lot at 4311 Oakes Road. Historically, the property was two lots that were combined into one lot and then recently split again into two lots. The proposed 55 foot setback for the newly created lot represented an average of the two adjacent lots. This issue was discussed at a public hearing earlier in the evening and there were no further questions from the Commission or the public present. The Work Session recessed into the Regular Meeting for a motion.

#### DIGERONIMO LOT CONSOLIDATION, SPLIT & FRONTYARD SETBACK – 8524 & 8536 WIESE ROAD

Mr. Dan Neff, of Neff Associates, was present on behalf of a request to consolidate PP# 602-09-002 and PP# 602-11-001 into one lot, and then split that lot into two parcels to create Parcel A (10.1281 acres) at 8524 Wiese Road, and Parcel B (4.8783 acres) at 8536 Wiese Road. The applicant was requesting frontyard setbacks of 307.6 feet for 8524 Wiese Road and 417.9 feet for 8536 Wiese Road. Also included in the proposal was an easement for a shared driveway, which was necessitated by the topography of the site.

Mr. Wise indicated that he had been working with Mr. Neff's office and had no comment beyond mentioning that a Geotech report would be required before construction could begin. Mr. Sciria remarked that the Commission's motion for approval would not include the reference to parking noted on Parcel A. This proposal was discussed at a public hearing earlier in the evening. With no further discussion the Work Session recessed into the Regular Meeting for a motion.

#### BBHCSD SCHOOL & FIELD HOUSE TREE SAVINGS PLAN – 3500 OAKES ROAD

Mr. Ryan Schmit, of ThenDesign Architecture, was present to review the Tree Savings Plan for the location of the new Pre-K-5 school on Oakes Road. He indicated on the site plan that areas for tree clearing were being kept to the immediate perimeter of their grading for construction, with the objective of saving as many trees as possible. The Mayor pointed out two areas on the site that were already cleared, one for an existing gas well and the other by the City of Cleveland in the vicinity of the communications tower. He noted that the communications tower was slated to soon be removed.

Mr. Wise advised that Messrs. Doug Novak, City Arborist, and Joe Dwyer, City Horticulturist, reviewed the Tree Savings Plan and had no objections. They would, however, like to review the site again before removal begins in the next week. Mr. Wise mentioned that a list of procedures for clearing was reviewed with the construction company.

The Mayor commented that he had walked the site earlier in the day with others and was pleased that the focus was on saving trees. He noted that the tree removal would be monitored by an inspector. As areas are cleared, fencing would be installed. Mayor Hruby said that letters advising of the tree removal would be hand delivered to nearby residents tomorrow. A general e-mail to the public would also be sent tomorrow. No disruption to traffic along Oakes was anticipated during the tree removal. It was noted that to meet regulations relative to the Indiana bat, clearing must be completed before April 1<sup>st</sup>.

BBHCSD SCHOOL & FIELD HOUSE LOT SPLIT – 3500 OAKES ROAD

Mr. Eric Hall began the discussion by referencing the Planning Commission's January 9, 2020 Public Hearing on the construction of the new PK-5 School and Fieldhouse and the approval by the Commission of preliminary plans for the construction of the school. The City was conveying 25 acres of the Blossom property to the school system, in exchange for other properties, so the new school could be constructed on school property. The remaining property, all zoned community facilities, would be retained by the City. The proposed lot split would bisect the project at the point where the school joins the fieldhouse. The fieldhouse would be owned by the City and through a coordinated use agreement, be shared with the school system.

Mr. Hall remarked that the lot split plan was unchanged from what the Commission considered at its January 9, 2020 meeting. He reviewed again the variances being requested for both parcels, mostly concerning setbacks made necessary by the way in which the property was being divided.

Mayor Hruby reiterated that the zero lot line was directly a result of the need to legally separate the fieldhouse from the elementary building. Mr. Riley, Legal Counsel for the School System, noted that under the signed Shared Use Agreement an Enterprise Bond was created where both the school system and the City would each contribute \$10,000 annually, beginning in January of 2021, to be used for common expenses.

Mr. Wise had no issue with the survey other than requesting that ingress/egress be noted for both the Oakes Road drive and the Valley Parkway drive. He expected there may be a document added to the Shared Use Agreement in the future relating to the shared expenses of utilities.

With regard to the two access roads to the complex, Mr. Riley noted he had reviewed and had no objection to, a Cross Traffic Easement Agreement prepared by Sergio DiGeronimo, Assistant Law Director for the City. He expected the School Board to approve the Cross Traffic Easement Agreement at their March 25, 2020 meeting. There was no further discussion of the proposed lot split and the Work Session recessed into the Regular Meeting for a motion.

The Work Session closed at 7:45 p.m.

THE BRECKSVILLE PLANNING COMMISSION

KIRK ROMAN, CHAIRMAN  
DOMINIC SCIRIA, VICE CHAIRMAN  
ERIC LAHRMER, SECRETARY

Minutes recorded by Nancy Dimitris