

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
FEBRUARY 7, 2022**

Present: Gagliano, Hruby, Collin, McCrodden, Hasman

Absent: Caruso, Rose

Others: Building Inspector Synek, 8 guests

PUBLIC HEARINGS

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

APPEAL 2022-05

Payne & Payne for Ronald Leonhardt for a variance from Section 1181.11(b) maximum height of 15 ft. to allow 39.75 ft, for a detached garage located at 8455 Timber Trail, PP# 601-22-065.

Jason Baylor, Payne & Payne, spoke to the Board regarding Mr. Leonhardt's appeal. He stated that they are revisiting the Board this evening, for a project that was approved last month, and is asking for a variance on the corrected height of the garage, which is 39.75 ft. Mr. Baylor went on to explain the challenging topography and conditions that they have dealt with on the site. He stated that they have spent some time examining alternative approaches, including a geotechnical engineer doing borings on site. Mr. Baylor stated that the least impactful they could do was a multi-tiered approach. He stated that the one variance that was not addressed at the last meeting, was the height of the structure. He went on to explain that they had two challenges, the first was topography, which falls away quite a bit on all sides. The location they chose was recommended, to design the foundation for the structure, as well as support the structure. They also address their client, Mr. Leonhardt's, needs. As a part of that, their average height was impacted by the amount of topography that falls away from the normal grade of the site. Mr. Baylor went on to explain, that the second challenge was to take the opportunity to stack the space they needed on top of each other, because of the extremely tight constraints on the property. It is a reasonably large property, and it is approximately 500 ft. from any other neighboring homes of being visible. It made sense to go up rather than out, and have a greater impact and less permeable area with this footprint.

Mr. Hasman stated that at last month's meeting the Board approved the increase of square footage, from the allowable 660 sq. ft., to 3100 sq. ft., and clarified that it included two floors. Mr. Baylor stated that was correct. Mr. Hasman asked what the footprint of the structure was. Mr. Baylor explained that the building will be 50 x 60, and the second floor was much smaller, approximately half the size. There is a lower level of a basement, and they did that primarily because it was less expensive to have air than stone.

Mr. Hasman clarified that the reason for the height, was that architecturally, it matched the design of the house. Mr. Baylor stated, that was certainly a part of it, it is a lofty design with open spaces and a lot of windows. Mr. Hasman asked what his hardship was to build a structure this size. Mr. Baylor stated that he submitted some of the Duncan Middlefield factors in his submission, and explained, that in addition to the severe grading, they do not have any property to the front of the house, and went on to show the Board on the overhead drawing. Mr. Baylor stated that they did review other potential locations, and in the end, after doing some soil studies and engaging geotechnical engineers, locating it across from the existing garage was the least disturbing to the site. Mr. Hasman felt Mr. Baylor did not answer his question about a true hardship, and asked Mr. Baylor, why for example, did they need a second floor. Mr. Baylor explained, that part of the owners need for the structure, was so that he could move some of his activities there. Mr. Baylor explained that he will have the garage level for his cars and storage, and the second floor will be a gym/cardio area, and will be a work out space. Mr. Hasman asked if there will be plumbing on the second floor. Mr. Baylor stated that it will be conditioned, but no plumbing on the second floor. Mr. Hasman asked if there will be 220 lines running to the building. Mr. Baylor stated that he could only think he may need it for HVAC equipment, but no plans to do it, unless needed for a lift for his vehicles or HVAC equipment. Mr. Hasman stated that he noticed that no one had checked with the neighbors, and wanted to know if there were any concerns from the neighbors, since this application process. Mr. Baylor stated that he was not aware of anything from the neighbors, but since this was the second application request, it has had 4 weeks of exposure, that the neighbors were aware of.

Mr. Collin clarified that the garage level had a 10 ½ ft. ceiling. Mr. Baylor stated that was correct. Mr. Collin asked why there was so much elevation on the second floor above the garage, and asked Mr. Baylor if they could maintain the roof line by lower the ceiling a few feet. Mr. Baylor stated that they wanted to match the existing structure, and explained the roof line on the overhead drawing, explaining that they have brought down the height of the roof quite a bit. Mr. Collin asked if Mr. Baylor had a drawing showing the garage in relation to the house. Mr. Baylor did not have an elevation of that.

Mayor Hruby asked Mr. Baylor if he had a geotechnical study done on the slope to determine if the load would be acceptable. Mr. Baylor stated that they had a complete study done, and an engineering team to work with that study, to provide the foundation to build the structure. Mayor Hruby wanted to clarify that the roof line of the proposed structure did not exceed the original roof line of the house. Mr. Baylor stated that was correct. The existing house was taller than this structure. Mayor Hruby stated that this had come up before, when the house was first being built, and wanted to know the distance between the closest neighbor and this addition to the house. Mr. Baylor stated that there is a 500 ft. radius from the structure to the nearest neighbor, and also woods, and proceeded to show the Mayor on the overhead drawing.

Mr. Hasman asked Mr. Baylor, if this did not get approved this evening, what other alternatives would he have for this project. Mr. Baylor stated that they already have explored quite a few alternatives, in order to bring this variance to the Board this evening. There are really no other alternatives left. They have boiled it down to what it is, to maintain the smallest footprint and the least amount of impact to the beauty of the site, which is why they need a height variance. Most of the height is contributed below the garage and driveway level.

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

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

MOTION CARRIED

APPEAL 2022-06

Gary & Bette Klein for (1) a variance from Section 1183.15(a) to install gravel instead of the required concrete or asphalt, for the expansion of a driveway, and (2) a variance from Section 1151.25(d)(2)(C) maximum 240 sq. ft. to allow 768 sq. ft., and (3) a variance from Section 1181.11(b), 15 ft. maximum building height to allow 18 ft., for the construction of an accessory structure located at 13114 Snowville Road, PP# 605-27-002.

Gary & Bette Klein spoke to the Board regarding their appeal. Mr. Klein stated that they live in an 1864 farmhouse, and unfortunately they had to take down their soil bank barn some years ago, and now they want to rebuild another barn, not to the scale that they had, but in the scope of the historic aspect of the barn and the house. They have maintained a company out of Connecticut, that does excellent timber frame barns. Mr. Klein explained that throughout the renovation of their home, they have tried to stay with the historic nature, and this barn would be part of that. He stated that his wife Bette brought an 1870's photograph of her Great-great-grandfather in the front yard of their home with the barn in the background, and she showed it to the Board. Mrs. Klein stated that her maiden name was Snow. She went on to state that the whole essence of what they want to create in staying on the historic registry, is staying true to the property, and being surrounded by the park, and being able to be solely vested in what they are trying to maintain. The reason she brought the photograph was to give the Board an idea of the driveway, the appeal was to keep it gravel, and they are just asking for a turn around. They are not building a garage, this will truly be housing equipment. They are just asking for a small amount of gravel to be able to turn around, for the safety of the people that have deliveries, etc. They want to recreate what they can, keeping it in essence with the property. Mr. Klein stated that they looked at the size and height, and if it would be appropriate, they didn't want to go too large. Mr. Klein also explained that the turnaround really was for safety, especially with the increased traffic that they have seen over the years on Snowville Road, it was a concern.

Mr. Hasman stated that it was a very handsome building that they were proposing. Mr. Hasman asked them to explain their hardship again, and where they were storing the equipment from the barn that came down. Mrs. Klein stated that they are storing the equipment outside. Mr. Klein stated that some of the equipment is in their basement as well. They really didn't want to build a shed, because he didn't think it would look very good, and wanted to keep with the historic aspect of the home. Mr. Hasman asked if the 18 ft. indicated on the drawing was to the midpoint, or the height of the structure. Mrs. Klein stated that it was 18 ft. to the midpoint. Mr. Klein showed the height of it on the overhead screen, and that the ridgeline was 22 ft. Mrs. Klein stated that it was 22 x 24 with the lean to. Mr. Hasman asked Mr. Synek for an explanation on the height, and Mr. Synek explained that the measurement for the roof is taken from the midpoint of the roof.

Mr. Hasman asked if they had heard from any of their neighbors. Mr. and Mrs. Klein stated that their neighbor was in attendance this evening. Mr. Victor Gozion, 12911 Snowville Road. Mr.

Gozion stated that he lived across the street from the Klein's, and was very fond of what they were doing with their property.

Mayor Hruby commended the Klein's for going the extra mile, and stated that they could have just built a normal barn, but were doing some very nice things. The Mayor went on to say that he appreciated history and architecture, and felt that it will be a wonderful addition. Mr. Klein stated that it has been an education, and they are thrilled with the craftsmanship that this company provides.

Mr. Hasman opened up questions to the audience. There were no other questions.

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

MOTION CARRIED

APPEAL 2022-07

Parkview Custom Homes for (1) a variance from Section 1181.11(a) maximum roof area over 30 ft. is limited to 20% of ground floor, to allow 34.7%, and (2) a variance from Section 1181.11(a) maximum building height of 30 ft. to allow 31 ft. for a new single family dwelling located at 10217 Woodview Way, PP# 605-24-023.

Mike Marx, Parkview Homes spoke to the Board. There was an elevation on the overhead Screen, and he explained that this house had a walkout basement, and the grade change from the front to the back was approximately 11 ft. He went on to explain that combined with a 9 ft. poured wall basement, a 9 ft. 1st floor ceiling height, an 8 ft. second floor ceiling height, and the requirement in the subdivision to have a 7/12 pitch on the roofs, that gave them the height of 31 ft. He wasn't sure of the maximum roof area over 30 ft. variance, that wasn't explained to him.

Mr. Hasman asked Mr. Marx, that when the house is built, will it appear in the same line as the other houses in the area, in terms of height. Mr. Marx stated that it will. He showed him the two houses there that had height variances that were previously approved. He also went on to explain the other homes with walkout basements. He stated that it seemed like a pattern that every time they have the grade of the lot that goes down, they have to come to the Board for a variance. He stated it was probably due to the foundation heights, ceiling heights and pitch of the roof.

Mr. Collin asked what the total square footage of the house was. Mr. Marx stated that it was 4600 sq. ft. Mr. Collin asked if there was a third floor. Mr. Marx stated that there was not. Mr. Collin asked if there was storage space above the second floor. Mr. Marx stated that there is no storage space, they use trusses there, which is dead space with insulation.

Mr. Hasman opened up questions to the audience. Nancy Woelfl stated that her question was the same as Mr. Hasman's question, but she didn't hear the answer. She wanted to know how many other homes there, needed a variance. Mr. Marx went through the explanation with her again.

Motion by Mayor Hruby, seconded by Mr. Collin to close Public Hearing.

MOTION CARRIED

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
FEBRUARY 7, 2022**

Present: Gagliano, Hruby, Collin, McCrodden, Hasman

Absent: Caruso, Rose

Others: Building Inspector Synek, 8 guests

APPROVAL OF THE 2021 BOARD OF ZONING APPEALS ANNUAL REPORT

Motion by Mr. McCrodden, seconded by Mayor Hruby, to approve the 2021 Board of Zoning Appeals Annual Report as written.

ROLL CALL: Ayes: Gagliano, Hruby, Collin, McCrodden, Hasman

Nays: None

MOTION CARRIED

APPROVAL OF THE REGULAR MEETING MINUTES OF JANUARY 10, 2022

Motion by Mr. Collin, seconded by Ms. Gagliano, to approve the Regular Meeting minutes of January 10, 2022 as recorded.

ROLL CALL: Ayes: Gagliano, Hruby, Collin, McCrodden, Hasman

Nays: None

MOTION CARRIED

Before the votes, Mr. Hasman offered the appellants the option of tabling their appeal since there were only five Board Members in attendance this evening.

APPEAL 2022-05

Motion by Mr. McCrodden, seconded by Mr. Collin, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1181.11(b) maximum height of 15 ft. to allow 39.75 ft, for a detached garage located at 8455 Timber Trail, PP# 601-22-065.

ROLL CALL: Ayes: McCrodden, Hruby, Collin, Hasman

Nays: None

Abstain: Gagliano

MOTION CARRIED

APPEAL 2022-06

Motion by Mr. Collin, seconded by Mr. McCrodden, that the Board of Zoning Appeals recommend to City Council approval for 1) a variance from Section 1183.15(a) to install gravel instead of the required concrete or asphalt, for the expansion of a driveway, and (2) a variance from Section 1151.25(d)(2)(C) maximum 240 sq. ft. to allow 768 sq. ft., and (3) a variance from

Section 1181.11(b), 15 ft. maximum building height to allow 18 ft., for the construction of an accessory structure located at 13114 Snowville Road, PP# 605-27-002.

ROLL CALL: Ayes: Collin, McCrodden, Gagliano, Hruby, Hasman
Nays: None

MOTION CARRIED

APPEAL 2022-07

Motion by Mr. McCrodden, seconded by Mr. Collin, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1181.11(a) maximum roof area over 30 ft. is limited to 20% of ground floor, to allow 34.7%, and (2) a variance from Section 1181.11(a) maximum building height of 30 ft. to allow 31 ft. for a new single family dwelling located at 10217 Woodview Way, PP# 605-24-023.

ROLL CALL: Ayes: Gagliano, Hruby, Collin, McCrodden, Hasman
Nays: None

MOTION CARRIED

REPORT OF COUNCILMEMBER CARUSO

Not in attendance.

REPORT OF MAYOR HRUBY

No Report.

Motion by Mayor Hruby, seconded by Mr. McCrodden, 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

BRUCE MCCRODDEN, SECRETARY

Public Hearing and Regular Meeting recorded by Gina Zdanowicz