

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
DECEMBER 7, 2020**

Present: Roberts, Caruso, Hruby, Kingston, McCrodden, Rose

Absent: Hasman,

Others: Building Inspector Synek, 6 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 2020-36

Mr. Rose stated that there was a request to table the appeal again from last month, until they can work out an agreement, which the Board will honor.

APPEAL 2020-39

Dominic Audino for a variance from Section 1326.02 to install a generator on the side of the house instead of the rear as required by code located at 4547 Hunting Valley Lane, PP# 601-13-040.

Dominic Audino spoke to the Board regarding his appeal. He explained that placement of the generator on the side of the house would make sense, because the pool equipment and air conditioner are all located in that same area. He went on to explain, that there will be a 4 ft. concrete fence installed around it, and it will be hidden from view. They did do an addition to the back of the house, and this would have been in the rear of the house prior to the addition. They will use the same material as the house and it will match.

Mr. Rose asked the reason why he could not place it in the back of the house. Mr. Audino explained that it is a large distance from where the meters are, and they would have to remove a spruce tree. Mr. Rose stated that the Board received a letter that the neighbor at 4543 Hunting Valley Lane, had no objection to the location of the generator. Mr. Audino stated that is his neighbor on the same side that the generator would be placed. Mr. Rose asked if he had heard from any other neighbors. Mr. Audino stated that he spoke to the neighbor across the street from him, and he was fine with it, but did not get anything in writing.

Mr. Collin asked if the pool was directly behind the house. Mr. Audino stated that it was. Mr. Collin asked if the pool prevented the generator from being located behind the home. Mr. Audino stated that the pool was not directly preventing it, but the pool equipment, a closet and a pool cabana were there. He also mentioned that he would have to take some trees down to install it on that side. Mr. Collin stated that when he visited the site, he saw the air conditioner and the generator, and asked Mr. Audino to explain where the generator would be located in relation to

that equipment. Mr. Audino stated that when facing the equipment, it would be to the right of the air conditioner.

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 2020-40

Payne & Payne Builders for Mike & Julia Markovic for a variance from Section 1119.09(b) which requires a driveway to be a minimum of 3 ft. from the side lot line to allow 1.8 ft. for the extension of an existing driveway located at 9933 Hillsdale Road, PP# 605-10-004.

Jason Baylor, Payne & Payne Builders, spoke to the Board regarding the Markovic's appeal. He stated that the reason for the variance request is for an extension of the existing driveway, providing for access to their new residence. He explained where the variance was needed on the overhead screen. He went on to state that the section of the driveway that needs a variance is approximately 70 ft. back, and the vicinity of the curve that starts to bend, will immediately be further from the lot line. The existing driveway is currently non-conforming. The owners purchased the property assuming that the driveway was correctly placed, they were not aware of the current code setback. Their intent is to extend the driveway up and around, and to provide access for a rear entry garage. Mr. Baylor stated that it will actually improve the community, because no one will see the contents of the garage driving down the street. There is a development down the road from there.

Mr. Rose clarified that the current driveway is not code compliant. Mr. Baylor stated that was correct. Mr. Rose asked Mr. Synek if the Building Department knew anything about that. Mr. Synek stated that in 2015, the Building Department issued a permit for that driveway as a replacement for an existing non-conforming driveway. Mr. Rose clarified with Mr. Baylor, that the existing driveway was what was driving this variance. Mr. Baylor stated that was correct. The owners do intend to use the existing portion of the driveway that is there, and it would make it an awkward transition to not be able to extend the drive. Mr. Baylor stated that something else would have to be done.

Mr. Collin asked how many feet of the extension would be a non-conforming use. Mr. Baylor stated that it is 1.8 ft. and the minimum is 3 ft., so it is less than 50% already. The driveway is already 1.5 from the property line close to the street, and as you go back further, it inches further and further away from the property line. Mr. Collin confirmed that the shaded area on the overhead screen is the new section of drive. Mr. Baylor stated that was correct. Mr. Rose explained that the measurement that Mr. Collin was asking for was 7 ft. Mr. Baylor stated that was how much curve it takes before you are 3 ft. from the property line. Everything after that 7 feet is more than 3 ft. from the property line, because it is curving away from it.

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 2020-41

Sal's Landscaping for a variance from Section 1151.26(7) minimum 3 ft. side yard setback required to allow 0 ft. for a walkway located at 8068 Amber Lane, PP# 601-25-011.

Salvatore Manera spoke to the Board regarding his appeal. He explained that this property had an existing sidewalk going around the front of the house, in front of the garage and wrapping around the house to the back patio. The reason for that location is, if you are looking at the house on the left side of the home, the terrain is very rough, you have to walk down approximately 15 ft. and walk back up again, in order to get to the back patio. Mr. Manera went on to explain that the walkway that is in place, is approximately 3 inches over the property line. There is an existing fence there, and we thought that the fence was on the property line. A survey was done, and we found out that the sidewalk was 3 inches over. Mr. Manera went on to explain, that as you walked around the house, the gutter line there was very short, so they lowered the walk to make it more comfortable for head space as you walk. He also took care of the water drainage, because of the terrain from the property to the right. He explained the installation of a 16 inch wall where they will be installing drain tile behind it, so that it will collect any water coming down from the next door property.

Mr. Rose asked Mr. Manera if the walkway was no longer encroaching on the neighbor's property. Mr. Manera stated that the old walkway did not, with the new walkway, approximately two feet of it is over the property line 3 inches. Mr. Rose asked if that was discussed with the neighbor. Mr. Manera stated that he did, and the neighbor is present tonight. He stated that as long as the walkway was not on their property, they were o.k. with it. Mr. Manera stated that they will cut the section that is over the property line, and explained the process. Mr. Rose clarified that they will take care of the section that is encroaching. Mr. Manera stated that was correct. Mr. Rose asked Mr. Synek how this came to the attention of the Building Department. Mr. Synek stated that the Building Department received a complaint that there was work without a permit, and after further investigation, it revealed where we are at today.

Mr. Collin asked Mr. Manera if the existing walkway that is shown in the photos that were submitted, was the new walkway. Mr. Manera stated that was correct. Mr. Collin confirmed that he was proposing to make the walkway code compliant, which will solve the encroachment problem, and that he will be installing a vertical wall along the sidewalk. Mr. Manera stated that was correct, along the south edge of the walkway.

Mr. Rose opened up questions to the audience. Amy May, 8056 Amber Lane, spoke to the Board. She stated that she is the next door neighbor to the Cooper's. She stated, that for the record, they did not complain that they did not have a permit, but they did call the City to see what to do regarding the walkway, in case it was on their property, and that is when the City

came out. She didn't want to misconstrue that she was complaining. She went on to explain that she doesn't mind the walkway, as long as it is not on their property. They can install the retaining walls, and keep what they have as long as it isn't on their property. Mr. Rose asked if the solution that the contractor came up with was satisfactory for her. Ms. May stated that it was, as long as it was not on her property, they do not have an issue.

Mr. McCrodden asked Ms. May if any of this work would affect their posts for the fence. Ms. May stated that she didn't think so, but didn't know for sure. It is still six inches from the fence, and the further it goes back it goes away from the fence.

Motion by Mr. Collin, 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
DECEMBER 7, 2020**

Present: Roberts, Caruso, Hruby, Kingston, McCrodden, Rose

Absent: Hasman,

Others: Building Inspector Synek, 6 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF NOVEMBER 9, 2020

Motion by Mr. Collin, seconded by Mr. McCrodden, to approve the Regular Meeting minutes of November 9, 2020, as recorded.

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

MOTION CARRIED

APPROVAL OF THE 2021 BOARD OF ZONING CALENDAR

Motion by Mr. Caruso, seconded by Mayor Hruby, to approve the 2021 Board of Zoning Calendar as submitted.

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

MOTION CARRIED

APPEAL 2020-39

Motion by Mr. Collin, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1326.02 to install a generator on the side of the house instead of the rear as required by code located at 4547 Hunting Valley Lane, PP# 601-13-040.

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

MOTION CARRIED

APPEAL 2020-40

Motion by Mr. Caruso, seconded by Mr. Collin, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1119.09(b) which requires a driveway to be a minimum of 3 ft. from the side lot line to allow 1.8 ft. for the extension of an existing driveway located at 9933 Hillsdale Road, PP# 605-10-004.

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

MOTION CARRIED

APPEAL 2020-41

Motion by Mr. Collin, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.26(7) minimum 3 ft. side yard setback required to allow 0 ft. for a walkway located at 8068 Amber Lane, PP# 601-25-011.

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

MOTION CARRIED

REPORT OF COUNCILMEMBER CARUSO

Mr. Caruso wished everyone Happy Holidays and a Happy New Year.

REPORT OF MAYOR HRUBY

Mayor Hruby wished everyone a Merry Christmas and a Happy New Year as well. The Mayor thanked everyone who participated in the tree lighting ceremony and fireworks display, there was a wonderful turnout from the community. The Mayor also wanted to thank everyone donating to the Yuletide Hunger Program.

Chairman Rose commended the City on how they dealt with the blizzard last week. He also wished everyone Happy Holidays and a Happy New Year.

Motion by Mayor Hruby, seconded by Mr. Caruso to close the Regular Meeting at 7:57 p.m.

MOTION CARRIED

THE BRECKSVILLE BOARD OF ZONING APPEALS

DENNIS ROSE, CHAIRMAN

ROBERT HASMAN, VICE CHAIRMAN

KATHLEEN ROBERTS, SECRETARY

Public Hearing and Regular Meeting recorded by Gina Zdanowicz