

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
JUNE 7, 2021**

Present: Caruso, Hasman, Collin, McCrodden, Rose

Absent: Hruby, Roberts

Others: Building Inspector Synek, 7 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 2021-23

Parkview Custom Homes for Timothy & Stacey Gehlmann for a variance from Section 1119.09(b) maximum width of 20 ft. to allow 29 ft. for a driveway located at 10230 Woodview Way, PP#605-24-035.

Mike Marks, Parkview Custom Homes spoke to the Board regarding the Gehlmann's appeal. Mr. Marks stated that this lot is a corner lot between Woodview Way and Parkside Drive. The houses in this community are typically side load garages, and this home has a side load, three car garage, but the driveway is parallel to the house, instead of perpendicular. Mr. Marks went onto explain that this caused a hardship, because it didn't have the typical 25 ft. pad to back out onto, and then turn to go down the driveway. He stated that this home is proposed to have a 29 ft. pad to back out onto, and then it will extend the length of the driveway to the street.

Mr. Rose asked if it was the orientation of the house on the lot that caused this problem. Mr. Marks stated that if they put the driveway on Woodview Way, it would have been too close to the corner, a 60 ft. setback is required. Mr. Rose confirmed that with Mr. Synek, and Mr. Synek stated that was correct.

Mr. Collin asked if there was a homeowners association for this development. Mr. Marks stated that there was a homeowners association, but the builder was still in charge of it. There are covenants and deed restrictions that prohibit parking your car in the drive overnight, or any commercial vehicle in the driveway, so the wider driveway will not encourage people to park vehicles there. Mr. Collin asked if the association took any position on the width of the driveway. Mr. Marks stated that the builder submitted the application, because the owners are out-of-towners, but the owners did request the variance to make it easier to back out.

Mr. Rose asked if there were homes next to this one. Mr. Marks explained that there are homes that are there, that are empty, or not sold yet. The only neighbor is at 10392 Parkside Drive.

Mr. Hasman asked for clarification on the side load garage and bend in the driveway. Mr. Marks explained the layout to him. Mr. Hasman stated that Parkview had the option of installing the driveway on either side of the street so that they could back straight out. Mr. Hasman felt that many other people that had 3 car garages had bends in their driveways, and asked why they couldn't do the same thing in order to comply. Mr. Synek stated that on this corner lot, you are not allowed to have a driveway within 60 ft. of the intersection, so that limits the driveway and the side entry. Mr. Synek felt that it was an approach issue.

Mr. Hasman asked Mr. Marks if there would be similar situations that would be presented to the Board for other homes that are built in this particular area. Mr. Marks stated that at 10231 Woodview, the garage is on the north side of the lot, and has a conventional side load garage with an "L" shaped driveway, so they have the ability to do the 90 degree turn. The applicant's house would have to do a 180 degree turn, and then come down the driveway.

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 2021-24

Arry & Ann Lazaridis for a variance from Section 1151.25(d)(2)(c) maximum 240 sq. ft. to allow 360 sq. ft. for the construction of a shed located at 9054 Highland Drive, PP# 601-32-020.

Arry Lazaridis spoke to the Board regarding their appeal. Mr. Lazaridis stated that his house is next to the Brecksville Cemetery. He went on to explain that they already constructed their shed and it is 10 ft. off the property line. The reason for the appeal, is because they added an awning off the side of the shed, which added square footage to it. He did not think that would be considered part of the shed, because it was all open with a roof. When he spoke with the Building Department, they told him that, it was in fact, considered part of the square footage of the structure, because of the posts. Mr. Marks worked with Country View Construction, and there was a miscommunication regarding the square footage of the shed.

Mr. Rose clarified that he got a permit for the shed, and then added the overhang, which added to the square footage, and that he and his contractor were unaware of it. He confirmed that with both Mr. Synek, and Mr. Lazaridis. They both stated that was correct.

Mr. Collin asked Mr. Lazaridis, that at the time he got the permit, did his contractor submit drawings to the Building Department. Mr. Lazaridis stated that he submitted the original drawings to the Building Department. He explained that he, as the owner, was really the general contractor that oversaw the work for the shed, but since Country View Construction was working at his in-laws, he hired them as his subcontractor, and had them build it. Mr. Collin clarified that the overhang was not part of the submittal to the Building Department. Mr. Lazaridis stated that was correct, it was supposed to be constructed without the overhang, but then his wife thought it would look more aesthetically pleasing with the overhang.

Mr. Caruso stated that the shed is set far back from the street, and you have to drive almost to the end of the cemetery drive, in order to see it. Mr. Lazaridis stated that they put lots of landscaping by it. Mr. Caruso was going to ask if that was done by the City or the homeowner.

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

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

MOTION CARRIED

APPEAL 2021-25

Matthew Gajkowski for a variance from Section 1117.09(b) that the depth of residential lots on a local street should not exceed 3.5 times the width, to allow the lot to be more than four times its width, for a lot consolidation located at 6919 Hilton Road, PP# 601-18-031 and PP# 601-18-044.

Mr. Rose stated that in essence, he wanted to use the other parcel to place a shed on it, but couldn't, because it was a separate parcel. Mr. Gajkowski stated that was correct. Mr. Rose stated that they saw the minutes from Planning Commission and it was approved and recommended to City Council for approval.

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

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

MOTION CARRIED

APPEAL 2021-26

Frank & Christine Faron for a variance from Section 1151.06(i)(2)(B) to park a trailered boat in the driveway instead of storing it wholly within a garage, or in the rear yard as required by code located at 10801 Tanager Trail, PP# 602-05-011.

Frank & Christine Faron spoke to the Board regarding their variance. Mr. Faron stated that he finally had the opportunity to purchase a boat, which had been a lifelong dream of his, he and his son have fished their entire lives. Mr. Faron went on to explain that his plan was to have it dry dock storage, or keep it at a marina that was close to Cleveland. When he got the boat home, he found out there was no dry dock storage from Fairport to Lorain. Everything was full because of the pandemic, and everyone was buying boats because you could socially distance on the water. He stated that his intention all along was not to bring the boat home, and that was his dilemma. He was asking for the variance because he really didn't have anywhere else to store it on his lot, because it is a corner lot. Mrs. Faron stated that she did not want the boat in the driveway either, her goal was to store it somewhere where they have access to it, and can use it. She stated that they love the neighborhood, and that they have talked to many of their neighbors, and most of them were okay with it. She stated that when she came home with the boat she walked over to several neighbors to talk with them about their plan. When the inspector came out to tell them that the boat could not be parked in the driveway, she stated that they were not aware of the

ordinance, or that the boat had to be behind the house. She stated that they could not store the boat behind the house, because there is a retaining wall back and 6 oak trees there, so it is not possible to put it there. Mr. Faron stated that they were not storing the boat there all year long, in the off season it will be stored at a storage unit. Mr. Faron stated that he is currently on a waiting list, and as soon as something opens up in the Cleveland area, he will take it. He does not want to store it farther out, because he works, and it is not time effective to have it stored far away. He is asking for the variance just for the fishing season which is April 1 thru November 1.

Mr. Rose state that the Board received a number of letters from neighbors that opposed the variance. He did not see any letters from neighbors that were in favor of it. Mr. Rose brought up the question about asking the Law Director to grant a variance for just four months, during the fishing season for 2021, and then they would need to find a place to store the boat.

Mr. Caruso stated that when he spoke with the Law Director about similar circumstances, the answer was no.

Mr. Rose wanted to ask the Law Director a different question. If they could propose that the variance would not go with the property, just this family, and have it be a use variance, to be a seasonal use, for a limited time. Mr. Faron stated that he would love a solution, if there was somewhere on his property he could put it, he would make it happen. He stated that the way the house is situated, he already had two access points on the driveway. He would need to make a third access to the property, and he thought that would be another issue. Mr. Rose asked if he had looked at parking somewhere where it would be allowed in the City or somewhere else. Mr. Faron stated that he looked at a few places, but they don't have anything available for the size of his boat.

Mr. Caruso asked Mr. Faron what the length of his boat was. Mr. Faron stated that it was 23 ft. long. Mr. Caruso asked if they looked into any commercial areas in the southern part of the City, that were for rent, with large parking lots that are open. He felt that may be a good solution, to buy themselves some time, until they can find a location, and their boat would still be in Brecksville. Mrs. Faron stated that they had not looked at that option, but felt that it would be a security concern, the boat wouldn't be at home where they could see it. Mrs. Faron stated that she appreciated what her neighbors thought, and she was surprised to hear that they would tell her that they were okay with it, and then tell the Board something different. She explained again, that they don't want the boat stored in their yard either, that this is just a hardship for right now, and hopefully everyone could understand that this is a special time for all of us, and that we have all been affected.

Mr. Rose opened up questions to the audience. Sandra Klopp, 10836 Tanager Trail, spoke to the Board. Ms. Klopp stated that she has lived here for 39 years. She stated that the Faron's are a nice family, and that she is a boater too, and has had different sized boats, but felt that once you give approval for a variance like this, it sets a precedence. There is a neighbor up the street that still has a sailboat covered with a tarp. She felt it decreased the value of their homes. She stated that she has talked to many neighbors who were afraid to come in person, because they didn't want hard feelings, but she is here because six or seven neighbors have spoken with her on this issue, and this should not be approved. Mr. Rose asked Ms. Klopp how she would feel about the

boat just being there for this season, if the Law Director approved it. Mrs. Klopp stated that the Faron's also had a camper in their drive for a long time, and she just can't see it happening, she was sorry. She felt it would set a precedence, and it should not be approved.

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

MOTION CARRIED

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
JUNE 7, 2021**

Present: Caruso, Hasman, Collin, McCrodden, Rose

Absent: Hruby, Roberts

Others: Building Inspector Synek, 7 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF MAY 10, 2021

Motion by Mr. Collin, seconded by Mr. Caruso, to approve the Regular Meeting minutes of May 10, 2021, as recorded.

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

Nays: None

MOTION CARRIED

Before each vote, Mr. Rose gave each appellant the option to table their appeal, since there were only five members present.

APPEAL 2021-23

Motion by Mr. McCrodden, seconded by Mr. Collin, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1119.09(b) maximum width of 20 ft. to allow 29 ft. for a driveway located at 10230 Woodview Way, PP#605-24-035.

Before the vote, Mr. Hasman wanted to be clear, and confirm that he understood, that putting the driveway on one side wouldn't be practical, because you wouldn't be able to back out and move down the driveway, so they moved the driveway to the other side, and now the driveway is going to be 29 ft. straight out from the garage, all the way down to the street. Mr. Marks stated that was correct. Mr. Hasman also stated that many other homes have three car garages and they don't have the 29 ft, and the driveway tapers down to 20 ft. He stated that in keeping with the style of the other homes in the development, that would be something that he would expect. Mr. Hasman felt that it would be a lot of cement that might not be necessary.

ROLL CALL: Ayes: McCrodden, Caruso, Collin, Rose

Nays: Hasman

MOTION CARRIED

APPEAL 2021-24

Motion by Mr. Caruso, seconded by Mr. Collin, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.25(d)(2)(c) maximum 240 sq. ft. to

allow 360 sq. ft. for the construction of a shed located at 9054 Highland Drive, PP# 601-32-020.

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

Nays: None

MOTION CARRIED

APPEAL 2021-25

Motion by Mr. Collin, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1117.09(b) that the depth of residential lots on a local street should not exceed 3.5 times the width, to allow the lot to be more than four times its width, for a lot consolidation located at 6919 Hilton Road, PP# 601-18-031 and PP# 601-18-044.

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

Nays: None

MOTION CARRIED

APPEAL 2021-26

Before the vote Mr. Rose asked if the appellant wanted to table the appeal, so they could check with the Law Director, to see if the Board could grant a temporary use for the season. The Faron's agreed to ask the Law Director, and have the appeal tabled.

Motion by Mr. Hasman, seconded by Mr. Caruso, that the Board of Zoning Appeals **table the approval for a variance** from Section 1151.06(i)(2)(B) to park a trailered boat in the driveway instead of storing it wholly within a garage, or in the rear yard as required by code, **and have it be reviewed with the Law Director, that this appeal be considered for granting a temporary use, that would expire at the end of this coming fishing season**, located at 10801 Tanager Trail, PP# 602-05-011.

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

Nays: None

MOTION TABLED

REPORT OF COUNCILMEMBER CARUSO

Mr. Caruso reported that the new pool at the Community Center is open, and has had glowing reviews, thanks in part to all the meetings and time spent by the Mayor, and all the department heads, it has been well received, and everyone should be proud of that accomplishment. Mr. Caruso also reported that the City will hold Home Days this year, and it will take place on July 16-18, with a lot of the normal activities, now that the COVID restrictions have been lifted.

REPORT OF MAYOR HRUBY

The Mayor was not in attendance.

Motion by Mr. Hasman, seconded by Mr. McCrodden to close the Regular Meeting at 8:08 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