

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS CITY COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
OCTOBER 11, 2021**

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

Absent: None

Others: Building Inspector Synek, 16 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 2021-42

Scott Warren for (1) a variance from Section 1151.25(d)(2)B, maximum 192 sq. ft. to allow 240 sq. ft. for the construction of a shed, and (2) a variance from Section 1151.26(2) requirement that sheds be located in the rear yard, to allow in the front yard as shown on the drawing dated September 16, 2021 located at 8700 Riverview Road, PP# 602-14-018.

Scott Warren spoke to the Board regarding his appeal. Mr. Warren explained to the Board that he was looking to build a 240 sq. ft. shed, which is smaller than what was indicated on the variance notice. He explained the way the yard was situated, the house is in the back corner of the lot, and his whole front yard is basically his lot. He stated that he submitted a letter from his neighbor, Rich Sweeny, 8702 Riverview Road, that had no objection to his proposed shed, it will be located close to where his shed is. He stated his hardship was that a 12x12 structure would not fit his tractor with attachments into any of the garage space that he has. There will be no water or electric in the shed.

Mr. Rose clarified that the location of the shed would be tucked in the woods. Mr. Warren stated that was correct, you will not be able to see it from any residence, at least while the trees still have their leaves. Mr. Warren stated from his driveway, it is approximately 400 ft. to the south, and well off of the Sweeny's property line, and approximately 50 ft. to the south line with a few hundred feet to their home.

Mr. McCrodden clarified with Mr. Warren that his driveway is a private drive, and that is why his address is Riverview Road. Mr. Warren stated that it is just one driveway off of Riverview Road, that is shared by three properties.

Mr. Rose opened up questions to the audience. Edward Fitch, 8694 Riverview Road, spoke to the Board. He wanted to share some history that related to these three houses. In the past, there were three commercial businesses in the houses there, and that made them nervous. Mr. Rose asked Mr. Warren if he ran a business, or planned on running a business out of his residence. Mr. Warren stated that he did not, he explained that he does have a home office that he has

worked out of for approximately 20 years. Mr. Fitch went on to state that the size of the shed was essentially the size of a garage, and in the materials that were submitted by Mr. Warren, they called it a garage. Mr. Fitch stated, that if he called it a garage instead of a shed, he would not need a variance. He went on to state that there are currently seven garages on the property, and this would be the eighth garage. He commented that they either have very large toys that they want to house, or they are storing things that are not considered normal for a residential property, which has been done in the past, and that is why they are nervous. He didn't understand the hardship of why another garage was needed. Mr. Fitch stated that it is a non-conforming lot, because it has only 11 ft. of frontage instead of 125 ft. that is required for Riverview Road. No variance from that chapter was requested. The submittal had no elevations, and it never included a height on the structure. Mr. Fitch stated that he felt it was not uniform with the character of the neighborhood or the house, it looked like a commercial industrial structure.

Mr. Collin asked Mr. Fitch if he had talked to Mr. Warren about his plans for the shed. Mr. Fitch stated that they saw his variance, and unfortunately, they are not in the area very much, and have not talked to him. Mr. Collin asked if he thought it would have been helpful to talk to Mr. Warren. Mr. Fitch stated that it would have been helpful, possibly, but they talked to previous neighbors about previous problems, and there was no response, and no help. Mr. Collin asked Mr. Fitch if his property abutted Mr. Warren's property, on the north or south side. Mr. Fitch stated that it did abut his property on the north side. Mr. Collin clarified with Mr. Fitch, that he is adjacent to Mr. Warren, and had not spoken to his neighbor. Mr. Fitch stated that he is not at his property very much.

Mr. Rose stated that it appears that the property has a number of garages, and asked Mr. Warren why he couldn't use one of them. Mr. Warren stated that he understood what the history on this property was before he bought the house, he read the Building Department's file. He understood from the neighbors what the challenges were. Mr. Warren explained that he tried to talk to Mrs. Fitch on two occasions, and told her if she had any questions at all, to please talk to him, not the City, and said obviously that fell on deaf ears. He went on to explain the history of the various garages on the property, and what their current uses were. He stated that he assured everyone that he is not renting out the house, or building any roads on the property. Mr. Warren went on to explain that he made every attempt that he could to be a good neighbor. He was not here tonight to build a wall, he has made his attempts to have a conversation with the neighbors. He stated that he needs a shed to put his tractor in, because he has four acres. Mr. Rose asked again why the tractor can't go in one of the existing garages. Mr. Warren stated that he has three cars, and a 23 ft. RV along with numerous types of garden equipment.

Carolyn Fitch, 8694 Riverview Road, spoke to the Board. She stated that Mr. Warren yelled at her while she was working in her yard. She stated that the Building Department told him that she called to complain about the new driveway that he installed. She stated it is a gravel driveway that is not permitted in the City. Mr. Rose reminded Ms. Fitch, that they are before the Board for a shed, not a driveway. She stated that the definition of non-conforming use of land, includes dimension. She went on to say, that Ordinance 1173.05, stated that the use of non-conforming lots shall not be expanded or extended. She stated that Mr. Warren did not request a variance from this section, therefore the Board cannot approve it, because it is not a complete application. She felt he has not explained a hardship as to why he needs an eighth garage, he already has

seven garages. She stated that she is opposed to this variance because it violates many ordinances, and because the plans submitted were incomplete, they didn't show the elevations, the height, and it looked like a commercial industrial structure, not a residential shed.

Mr. Rose asked Mr. Synek what the Building Department's view was, regarding the question that was raised, about this not being the correct request for a variance, and it being a non-conforming lot. Mr. Synek stated that the Building Department generally looks at the Ordinance for the size and the location.

Adam Seeley, 7772 Sunstone, Drive, spoke to the Board. He asked Mr. Warren what profession he was in. Mr. Warren stated that he is a Construction Consultant. He stated that he disagreed with him, that there are no roads on his property. He saw a tractor go thru the trees in his back yard, he was concerned about that, as well as the noise issue. He also stated that is it the furthest space from the house possible for a tractor that size, and it is inconveniencing a different set of neighbors than his own. Mr. Seeley stated that you can see it from his property and his neighbor's property, and it is the furthest location from his house.

Mr. Warren stated that he inherited a massive pile of debris and garbage throughout the property, from the former resident who lived there for decades. He had some neighbors that are also dumping onto the property. Mr. Warren explained that the tractor is a sub-compact tractor, not a commercial vehicle, and what his neighbor to the north was referring to, regarding a road on the property, was because they wanted to drive down the back, to start throwing away the debris in dumpsters, and they were putting big ruts into the yard, so they filled it in the width of the tractor, it is not a road, they are just using it to remove all the debris, and will fill it in with grass after he does that. He stated, conservatively, he probably has a year and a half worth of work to get all the debris and garbage out of there. Mr. Rose asked how long he has lived there. Mr. Warren stated that it has been since September 17, 2021.

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

APPEAL 2021-43

Bryan Zywiec for (1) a variance from Section 1151.25(d)(1) maximum 660 sq. ft. to allowed 1680 sq. ft., and (2) a variance from Section 1181.11(b) maximum height of 15 ft. to allow 19.5 ft., and (3) a variance from Section 1151.26(7) that a driveway setback be a minimum of 3 ft. from the lot lines to allow 2 ft., for a detached garage located at 5995 Miller Road, PP# 604-06-010.

Bryan Zywiec spoke to the Board regarding his appeal. He stated that he hired an architect to come up with a design to build a detached garage. He has four drivers in the house and has two additional cars that don't fit in their attached garage. They have a large tractor and lawn equipment, along with patio furniture. All of it is sitting outside currently, they have nowhere to store it. They discussed what could be done, which would be a garage and a shed, or two sheds and a garage, but he felt that instead of multiple structures on the property, they wanted to consolidate everything. The neighbor on the left side has a similar size barn. His architect saw it and suggested doing something similar. The driveway on Miller Road is hard to pull out of

because of the hill, and because of the additional cars in the driveway, it makes it hard to turn around. He went on to explain that the side setback, was based on the original drawing that was submitted to the City, and it may be inaccurate, it may be further away than 2 ft, he thought it was 3 ft, but wasn't sure, because they were not going to have the land surveyed until they see if this is even feasible to do.

Mr. Rose asked if his existing driveway was off the property line. Mr. Zywiec stated that it was on the side of the garage, and based on old drawings that the City had, it looks like 2 ft., but he wasn't sure how accurate that was. Mr. Rose asked why he needed to go taller on the height. Mr. Zywiec stated that his architect felt that it would be more proportionate to the rest of the structure. He stated that he could change it if needed. He didn't realize there was a height restriction when they met with the architect. Mr. Rose asked if he planned on making a second floor. Mr. Zywiec stated that it will be used for storage. Mr. Rose stated that from the drawing, the back of the structure will be a workshop, and asked if he planned on having electricity, heat and water. Mr. Zywiec stated that there will be no water, just electricity, and right now it will be for storage. In the future, there is an area that he may use as a small workshop. Mr. Rose clarified that the reason for the variance was because it was more preferable than installing multiple garages. Mr. Zywiec stated that was correct. Mr. Rose stated for the record that he had a letter from his neighbors at 5911, and 6101 Miller Road, that supported his project. Mr. Rose asked if had spoken with any other neighbors. Mr. Zywiec stated that there are just those two.

Mr. McCrodden confirmed with Mr. Zywiec that the yellow tape outlined the garage. Mr. Zywiec stated that was correct. Mr. McCrodden asked about the orange cones. Mr. Zywiec stated that there were some pins in the yard, and he didn't want the kids to fall on them, he was not sure if it represented the property lines. He was trying to show the property line and show the 10 ft. setback. Mr. McCrodden confirmed they had nothing to do with the building. Mr. Zywiec stated that was correct.

Mr. Hasman asked Mr. Zywiec if he considered any other designs that wouldn't be quite as tall. Mr. Zywiec stated that his architect based the design on being proportioned to the size. They could try and lower it. They based it on their neighbor's barn.

Mr. Rose asked Mr. Zywiec if he would object to separating out the variances when it came time to the vote. Mr. Zywiec stated that would be fine.

Mr. Rose opened up questions to the audience. Ken McGuire, 7960 Brecksville Road, spoke to the Board. He stated that he thought it was a good idea to make it in proportion to the house, and make everything aesthetically uniform.

Mr. Collin asked Mr. Zywiec what he planned to do with his existing garage. He stated that he is going to keep his and his wife's vehicles in them. The kids cars will go in the back. Mr. Collin confirmed that the new structure will not house all the vehicles. Mr. Zywiec stated that was correct, just two vehicles and a large tractor, and lawn equipment.

Motion by Ms. Roberts, seconded by Mayor Hruby to close Public Hearing. **MOTION CARRIED**

APPEAL 2021-44

Lisa DeCaprio and Ken McGuire for (1) a variance from 1151.26(2) that a playset be a minimum of 10 ft. from side property lines to allow 2 ft., and (2) a variance from 1151.26(5) that a wood pile be a minimum of 10 ft. from side property lines to allow 2 ft. located at 7960 Brecksville Road, PP# 601-02-024.

Ken McGuire spoke to the Board regarding his appeal. He stated that he was looking to have it out of the way and is pretty far back on the property. They moved the swing set to flat ground where kids can play. The neighbor has a swing set there, and they were able to play by each other.

Mr. Rose asked why the wood rack couldn't be moved. Mr. McGuire stated that it was more flat and out of the way instead of having it in the middle of his yard, it would be off to the side. It is in line with the fire pit that his neighbor has.

Mr. Rose asked Mr. Synek if the fire pit was allowed to be in the location that it is. Mr. Synek stated that it is not, the City was working with the neighbor to get it moved. Mr. Rose stated that the fire pit is also in violation. Mr. Caruso stated that it is was his understanding in talking with the neighbor, that they are going to move it. Mr. Synek stated that was correct, they are currently working with them to move it 10 ft. from the lot line.

Mr. Rose stated that when he drove by Mr. McGuire's house, he saw lights, and asked if there were lights on the swing set. Mr. McGuire stated that there were no lights on the playset, it must have been their Halloween decorations.

Mr. Hasman stated that he saw two swing sets and asked if they were both his. Mr. McGuire stated that he had one swing set, the blue set is his neighbor's. Mr. Rose asked Mr. Synek if the neighbor's set is 10 ft. off the property line. Mr. Synek stated that it was.

Mr. McGuire went on to explain to the Board, that his neighbor actually helped him pick up the swing set in Strongsville, disassemble it there, and move it to the location that it is in now.

Mr. Rose asked Mr. Synek if this appeal was based on a complaint. Mr. Synek stated that was correct.

Mr. Hasman asked Mr. McGuire, if the neighbor he was speaking of, was the neighbor that was currently there, or another neighbor. Mr. McGuire stated it was the current neighbor.

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

APPEAL 2021-45

The City of Brecksville Building Engineering Department for a variance from Section 1151.25(d)(1) maximum 660 sq. ft. to allow 1785 sq. ft. for a detached garage located at 8997 Highland Drive, PP# 601-33-002 and 601-33-003.

Mayor Hruby spoke to the Board regarding the City's appeal. He stated that the request came as a result of the City withdrawing its previous request for a 2266 sq. ft. building. At the last meeting, they heard from some of the residents that live around the property, that expressed concerns about lights, noise, and having this large of a structure built on the property. They have since done their best to reduce the size of it to still accommodate the equipment that they need to store inside the building. The Mayor stated that he wrote a letter to the three residents that spoke at the last meeting, explaining to them that they will be dealing with the lighting on the building. The most obtrusive lighting is the street light out front, with the new CEI lights that they are installing everywhere, are very bright, and they will try to deal with that. On the issue of noise, the employees are there during the day, and they are going to remove the beeping sound on the trucks when they backup. It is not required by law on those types of vehicles. The Mayor explained that they are trying to meet the needs of the resident's concerns.

Mr. Rose asked if the City will still have a light above the garage. The Mayor stated that there will not be a light there. Mr. Rose asked about the height, the Mayor stated there was no need for a variance on the height. Mr. Rose stated that from the last meeting, the neighbor from Chaffee Court had a concern about looking down on the building, and asked if the City had anything to alleviate that. The Mayor stated that there is a lot of foliage there, but there is a space where you will see the top of the roof there. They can try to add some foliage, but because the land goes up there, he didn't think they would be successful in doing that. Mr. Rose asked about the neighbor to the north who had the concern of looking at a large garage there. The Mayor stated that there is a lot of foliage in her side yard, she is here tonight, and if she would like the City to plant more along her property line, the City would be happy to do that.

Mr. Rose opened up questions to the audience. Patty Wochna, 6861 Chaffee Court, spoke to the Board. She asked what the City's hardship was, that they needed to build this structure in that location. Mayor Hruby stated that it was the amount of equipment that is needed to be stored in the building, and they couldn't store it there, if they built it at the permitted size. The City could build multiple structures there, but that would not make any sense. Ms. Wochna asked where the equipment was stored before this. Mayor Hruby stated that it was stored in the Human Services Building's basement. Ms. Wochna asked if it was no longer available. Mayor Hruby stated that they are out of space there, and require more space, that is why the building is being built. Ms. Wochna asked what the zoning for that building was. Mayor Hruby stated that it was zoned residential property. Ms. Wochna stated that they are opposed to the variance because of the size and it is a residential area. Ms. Wochna stated that just a short time ago the trucks were stored somewhere else, and there should be plenty of garage space that the City owns. She felt there were other places to store the vehicles and equipment.

Carolyn Van Duyne, 8991 Highland Drive, spoke to the Board. She stated that she appreciated the accommodation that the City was making, but would still like to object to the variance, and felt that the garage was not in character with the neighborhood, it is much larger than a normal four car garage should be, and the City should seek another option. She went on to ask about foliage and lighting. She asked what other equipment would be stored in the structure besides the vehicles. The Mayor stated that it will primarily hold the vehicles, but it will hold parts as well. This department maintains all of the City buildings, i.e., hvac, plumbing, electrical, everything that is needed to maintain the city buildings. Those types of parts will be stored

there, and they need that type of space, because of the volume. Ms. Van Duyne asked if the building would store the cemetery equipment. The Mayor stated that it would not. Ms. Van Duyne asked the reason why the building could not be placed on Stadium Drive, there is a lot of parking space there. The Mayor stated that it was for convenience, it only makes sense to have the trucks close to where the equipment was being stored, so they can load and unload the trucks, and head out to work in the City. To have the trucks in one location and the product in another, doesn't make sense. Ms. Van Duyne stated that she objects to the oversized structure, and felt there were other alternatives. Mayor Hruby stated that the City looked at various scenarios, and felt this was the best solution. He asked her to take the opportunity to drive down Highland Drive and look at some of the garages in the neighborhood, the Mayor felt that it would not be out of character compared to some of the other garages there. Ms. Van Duyne stated that she was opposed to it, because it is next door to her, and that concerned her.

Mr. Hasman asked if it would be possible to install additional screening between the new building and Ms. Van Duyne's property. The Mayor stated that he offered that to her. They want to be a good neighbor, and if the screening will help her, they will do it. There is a lot of foliage there currently, maybe they could add some evergreen foliage, so it will still screen in the winter.

Mr. Rose clarified that the City looked at two garages instead of one large one, but felt that was impractical. The Mayor stated that was correct, they felt it didn't make any sense. Mr. Rose also clarified, that the old library building, which is now the Building Engineering Building, is where the City is going to store all the product. The Mayor stated that was correct.

Mr. Hasman stated that when he visited the property, there were a number of trucks outside, and asked if those would be stored in the garage. Mayor stated that was correct, there are three trucks and one sedan. Their intention is to increase the longevity of the trucks by storing them inside, especially in the winter.

Mr. Caruso commented that the vast majority of the work that these employees do, is done during business hours. The Mayor stated that was correct, 7:30 a.m. to 4:00 p.m.

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

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS CITY COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
OCTOBER 11, 2021**

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

Absent: None

Others: Building Inspector Synek, 16 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF SEPTEMBER 13, 2021

Motion by Mr. Collin, seconded by Mr. Caruso, to approve the Regular Meeting minutes of September 13, 2021 as recorded.

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

MOTION CARRIED

APPEAL 2021-42

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 1151.25(d)(2)B, maximum 192 sq. ft. to allow 240 sq. ft. for the construction of a shed, and (2) a variance from Section 1151.26(2) requirement that sheds be located in the rear yard, to allow in the front yard as shown on the drawing dated September 16, 2021 located at 8700 Riverview Road, PP# 602-14-018.

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

MOTION CARRIED

Before the vote Mr. McCrodden recommended that they separate the height variance from the other two variances. The Board members agreed.

APPEAL 2021-43

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 1151.25(d)(1) maximum 660 sq. ft. to allowed 1680 sq. ft. (3) a variance from Section 1151.26(7) that a driveway setback be a minimum of 3 ft. from the lot lines to allow 2 ft., for a detached garage located at 5995 Miller Road, PP# 604-06-010.

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

MOTION CARRIED

Motion by McCrodden, seconded by Mr. Collin, that the Board of Zoning Appeals recommend to City Council approval for (2) a variance from Section 1181.11(b) maximum height of 15 ft. to allow 19.5 ft. for a detached garage located at 5995 Miller Road, PP# 604-06-010.

ROLL CALL: Ayes: None

Nays: McCrodden, Roberts, Caruso, Hasman, Hruby, Collin, Rose

MOTION DENIED

APPEAL 2021-44

Motion by Ms. Roberts, seconded by Mayor Hruby, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from 1151.26(2) that a playset be a minimum of 10 ft. from side property lines to allow 2 ft., and (2) a variance from 1151.26(5) that a wood pile be a minimum of 10 ft. from side property lines to allow 2 ft. located at 7960 Brecksville Road, PP# 601-02-024.

ROLL CALL: Ayes: None

Nays: Hasman, Hruby, Collin, McCrodden, Roberts, Caruso, Rose

MOTION DENIED

APPEAL 2021-45

Motion by Mr. Hasman, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.25(d)(1) maximum 660 sq. ft. to allow 1785 sq. ft. for a detached garage located at 8997 Highland Drive, PP# 601-33-002 and 601-33-003.

Mr. Rose asked the Mayor if this is a residential zoning and this use is permitted by variance or by history. The Mayor stated that it is City owned, and they are going to take it to the voters to rezone the property for another use. Mr. Rose stated that it is currently appropriate for this use. The Mayor stated that was correct.

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

Nays: None

Abstain: Hruby

MOTION CARRIED

REPORT OF COUNCILMEMBER CARUSO

No Report.

REPORT OF MAYOR HRUBY

No Report.

Motion by Mr. Caruso, seconded by Ms. Roberts, to close the Regular Meeting at 8:29 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