

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
DECEMBER 12, 2022**

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

Absent: None

Others: Building Inspector Synek, 3 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 2022-53

Payne & Payne for Zack & Nina Moore for (1) a variance from Section 1181.11(a) maximum roof area over 30 ft. is limited to 20% of ground floor to allow 23.2 %, and (2) a variance from Section 1181.11(2) maximum building height of 30 ft. to allow 31 ft. and (3) a variance from Section 1181.11(a) maximum overall height of 40 ft. to allow 40.33 ft., and (4) a variance from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate, for the construction of a single family dwelling located at 9131 Snowville Road, PP# 605-15-003.

David Hess, Payne & Payne, spoke to the Board regarding their appeal. He explained that his clients want to build an all brick single family home on the site. Mr. Hess stated that the majority of the site is wetlands, which they have already dealt with the Army Corps of Engineers. He stated that his client is very tall, so they designed the house for a 10 ft. ceiling on the first floor and a 9 ft. ceiling on the second floor. Mr. Hess went on to explain the elevations to the Board, on the overhead screen. He stated, from the front the house, it is compliant, but on the back of the house, because of the walkout, they needed the variance. They are asking for a variance so that they do not have to redesign the house.

Mr. Rose asked Mr. Hess, if the property was flat, and they didn't have the terrain that they have, would they still need a variance. Mr. Hess stated that they would not. Mr. Rose clarified that with Mr. Synek. Mr. Synek stated that it would bring it more into compliance, but was not sure if they would still need a variance or not.

Mr. McCrodden made the comment, that the variance request is for such a small amount of footage, or inches, or percentage on the roof, and asked what the impact would have been had they designed it to be code compliant rather than requesting a variance. Mr. Hess stated that he would probably have to change both the first and second floor height, to accommodate that, and because his client is 6 ft. 5 in., that is what he would prefer. Mr. Hess stated, that because of the walkout basement, the right back side of the house would fall out of compliance. He stated that the house sits pretty far back from the street, and his client has spoken with both of his neighbors

and they are very happy with the project. The house will be lesser in height than the home two doors down that is being constructed.

Mr. Hasman stated that he noticed that the house was going to have a taller basement, and asked if that was caused by adding an additional cinderblock. Mr. Hess stated that they are doing a poured wall foundation, so it is a 10 ft. basement height, and they are going further into the ground with that, so it isn't affecting the overall building height. Mr. Hasman also asked how far back the house was going to be. Mr. Hess stated that it will be 450 ft. back.

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

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

MOTION CARRIED

APPEAL 2022-54

Mike Rose for a variance from Section 1326.02 to install a generator in the side yard, instead of the rear as required by code located at 2620 Hidden Canyon Drive, PP# 605-17-013.

Mike Rose spoke to the Board regarding his appeal. He stated that they would like to install a whole house generator as a backup, in case they lose power. It will run once every week or every two weeks for approximately 10 minutes. He had spoken with his neighbor, Vince, that would directly affected by it, and asked him to pick the time that he would like it to run, and they were thinking of a Saturday afternoon. The reason he is requesting the variance, is that he has a perfect alcove on the side of his house that juts in about 8 ft. in and about 30 ft. up to the front of the house. The gas and electric are currently there so it makes for an easier installation. He also has two sides covered on the house, and told his neighbor Vince that he will plant evergreens or a living fence around the generator to screen it. He went on to explain on the overhead screen, that his house is 95% hardscaped, and there is foliage and pool equipment on the other sides of the house. He stated that he didn't have room for the generator where the pool equipment is located. He had two contractors come out, and they both recommended that the generator be placed in the location that he was proposing this evening.

Mr. Rose confirmed that the location that is proposed, is where his electric service is. Mike Rose stated that was correct, electric and gas service. Mr. Rose went on to state that his drawing indicated "x" that represented planting trees around it. He explained to the appellant, that just to be certain that the generator will be screened, the Board will amend the variance, with the condition, to have the generator screened with the appropriate plantings from the street and also from his neighbor, and asked Mike Rose if he would agree to that. Mike Rose stated that he did, and said that was his neighbor Vince's request as well.

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

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

APPEAL 2022-55

Rachel Eastman for a variance from Section 1185.03(b), maximum 3 ft. split rail fence to allow a 4 ft. tall white vinyl picket fence in front of the building line on a corner lot located at 8568 Brecksville Road, PP# 601-18-020.

Rachel Eastman spoke to the Board regarding her appeal. She stated that she bought the property last year, and lives with her two 55 lb. dogs that are very active. She stated that she was very happy with the size of the yard, but then unfortunately, came to learn what the City code requirements were, regarding fences. Her hopes were to up the height of the fence on the side yard on Hilton Road, from 3 ft. to 4 ft., to better protect her dogs, and then make it a vinyl picket fence instead of the split rail, because she would need a backing on it for the dogs. She also felt that vinyl would be a better option for aesthetics. Ms. Eastman went on to explain that it would not affect the site line, as it would be 30 ft. off the center of Hilton Road, and it fits right back against the existing trees that are there. Ms. Eastman stated that her neighbors think that it would be an improvement to the property.

Mr. Rose clarified that she would not be removing any trees to install the fence. Ms. Eastman stated that was correct, she just had to trim and clean them up a bit.

Mr. Caruso asked what type of dogs she had. Ms. Eastman stated that she has a Standard Schnauzer and an Aussiepoo.

Mr. Collin stated that he noticed staking on the property, and asked if that indicated where the fence will be placed. Ms. Eastman stated that was correct.

Mr. Rose clarified that Ms. Eastman's hardship is because of functionality, but also because she is on a main road, and on a corner lot. Ms. Eastman stated that was correct

Mr. Hasman stated that she had one dog for a year, and the other more recently, and said the first dog that she has had did not really pose a problem as far as not having any fencing, and asked what had she done since then with the second dog. Ms. Eastman stated that she had tie out cables, and they are only able to go so far out in her yard, it will do for now, but is not ideal. Mr. Hasman asked how she came to the conclusion that she needed 4 ft. instead of the required 3 ft. Ms. Eastman stated that she researched it on different websites, due to the size and the risk of jumping. 3 ft. was not recommended at all.

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

Motion by Mr. McCrodden, 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
DECEMBER 12, 2022**

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

Absent: None

Others: Building Inspector Synek, 3 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF NOVEMBER 7, 2022

Motion by Mr. Collin, seconded by Ms. Gagliano, to approve the Regular Meeting minutes of November 7, 2022, as recorded.

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

Nays: None

Abstain: Rose

MOTION CARRIED

APPROVAL OF THE 2023 BOARD OF ZONING CALENDAR

Motion by Mayor Hruby, seconded by Mr. Hasman, to approve the 2023 Board of Zoning Calendar as submitted.

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

Nays: None

MOTION CARRIED

APPEAL 2022-51 – WITHDRAWN - Building Department received a verbal withdrawal from appellant.

Marek Builders Inc. for Richard Yurko for (1) a variance from Section 1185.03(a) maximum fence height of 4 ft. to allow 6 ft., and (2) a variance from Section 1185.02(d) to install a solid board type fence instead of the permitted types of fencing located at 6918 Westview Drive, PP# 603-21-041.

APPEAL 2022-53

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 1181.11(a) maximum roof area over 30 ft. is limited to 20% of ground floor to allow 23.2 %, and (2) a variance from Section 1181.11(2) maximum building height of 30 ft. to allow 31 ft. and (3) a variance from Section 1181.11(a) maximum overall height of 40 ft. to allow 40.33 ft., and (4) a variance from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate, for the construction of a single family dwelling located at 9131 Snowville Road, PP# 605-15-003.

ROLL CALL: Ayes: McCrodden, Gagliano, Hasman, Caruso, Hruby, Collin, Rose
Nays: None
MOTION CARRIED

APPEAL 2022-54 - AMENDED

Motion by Mr. McCrodden, 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 in the side yard, instead of the rear as required by code **with landscaping as approved by the Building Department to screen generator**, located at 2620 Hidden Canyon Drive, PP# 605-17-013.

ROLL CALL: Ayes: Hasman, Caruso, Hruby, Collin, McCrodden, Gagliano, Rose
Nays: None
MOTION CARRIED

APPEAL 2022-55

Motion by Mr. Caruso, seconded by Mr. Collin, that the Board of Zoning Appeals recommend to City Council approval for Rachel Eastman for a variance from Section 1185.03(b), maximum 3 ft. split rail fence to allow a 4 ft. tall white vinyl picket fence in front of the building line on a corner lot located at 8568 Brecksville Road, PP# 601-18-020.

ROLL CALL: Ayes: Collin, McCrodden, Gagliano, Hasman, Caruso, Hruby, Rose
Nays: None
MOTION CARRIED

REPORT OF COUNCILMEMBER CARUSO

Councilmember Caruso stated that Dennis Rose represented the Board of Zoning Appeals at the Charter Review meeting, and did a very good job of explaining what the Board does and how they do it, and the meeting was very productive. Councilmember Caruso also wished everyone a Merry Christmas.

REPORT OF MAYOR HRUBY

Mayor Hruby stated that he echoed what Councilman Caruso stated about Dennis Rose, he did an excellent job presenting on behalf of the Board of Zoning Appeals. Mayor Hruby went on to state that he was impressed with the fact that the Charter Review Committee has already reviewed the entire Charter, and they have one more meeting. The Mayor wished everyone a Merry Christmas, and a wonderful holiday with their families.

Mr. Rose thanked everyone for their thoughts on the Charter, and stated that even though the Board didn't need to meet, he explained to the committee that the Board was unanimous in their opinion, that everything worked well the way it currently was. The main issue that came up, was whether all appeals, whether they passed or were denied, would still need to go to City Council, and he made the argument that he and the Board felt that if it was denied, it should stop at the Board of Zoning Appeals, and all motions that passed went on to City Council. Mr. Rose also wished everyone a happy holiday and he looked forward to the year ahead.

Motion by Mayor Hruby, seconded by Mr. Caruso to close the Regular Meeting at 7:58 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