

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Ralph W. Biggs Council Chambers of Brecksville City Hall
November 8, 2021**

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

Absent: None

Others: Building Inspector Synek, 5 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 2021-46

Dimitrios Boulas for a variance from Section 1151.24 minimum 20 ft. side yard setback required, to allow 18.5 ft. for an expansion of an existing garage, located at 10420 Spring Hill Drive, PP# 605-10-008.

Mr. Boulas spoke to the Board regarding his appeal. He explained that they want to add an addition over their garage. The easiest way to access it from the inside, and not have to go around the yard, is to build a door into the garage with a set of scissor stairs. The addition would require them to be 18 ½” away from the property line on the east side. Their adjoining neighbor submitted a letter that they are okay with the project. He stated that he spoke with his architect, and the alternative would be an outdoor entryway. Right now the way the house is constructed, there is a portico from the house to the garage, so when it is raining and snowing, you can still get out their relatively dry. If they had to put the entryway on the side, they would lose the benefit of that. They looked at narrowing the stairwell instead of doing the scissor stairs, but they would lose both of the windows and the light that would come in. To do the staircase inside the garage would make it impossible to park any cars.

Mr. Rose summarized with Mr. Boulas, that he is putting an addition above the garage, to the second floor, and the only other options that his architect said, would be to remove the utilities in the garage and portico, or take all the light away from the garage by building in some other manner. Mr. Boulas stated that was correct. Mr. Boulas mentioned that he also keeps has a large green macaw in the garage, and they like their light, so that would be an issue as well.

Mr. McCrodden asked Mr. Synek, with the portico between the two buildings, the garage is considered part of the house, and not an attached garage. Mr. Synek stated that it is considered an attached garage, it doesn’t fall under the limitations of a detached garage.

Mr. Boulas stated that they also looked at making a walkway across the portico, but it was cost prohibitive, and destroyed the aesthetics of the house.

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 2021-47

Eileen McNamara 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 8060 Long Forest Drive, PP# 601-28-067.

Ms. McNamara spoke to the Board regarding her appeal. She submitted a copy of a letter from her neighbor on the side that would be affected by the generator. Linda Alberty, 8056 Long Forest Drive, had no objection to the request for a variance. Ms. McNamara went on to explain, that they want to place the generator on the side of the house, because in the rear there is a patio and deck. She stated that her contractor didn't want to place it under the deck because of carbon monoxide. He determined it would be more appropriate on the side of the house closer to the electric meter, and would be easier to blend in with the landscaping, which still needs to be approved by the Homeowner's Association. They already have approved the generator location. She stated that there are limited options in the rear of the house to put the generator, and that is why they want to locate it on the side.

Mr. Hasman asked if her neighbors were aware that this unit would be tested on a regular basis, and would make some noise periodically. Ms. McNamara stated that they were aware. Her contractor told them that it would run 20 minutes a day. She explained that they talked it over with their neighbor, and decided to have it set up to run at 10:00 a.m. so it won't interrupt anyone's sleep. Ms. McNamara stated that her neighbor may also be getting a generator. Mr. Hasman stated that the houses are close together, and the generator does make some noise, so it may not only disturb her neighbor, who is okay with it, but possibly other neighbors around that area. Mr. Hasman stated that with regards to the decking in the rear, he could understand the carbon monoxide issue if the deck was lower to the ground and would trap some of the vapors, but explained that when he went out to visit the site, he remembers that there is a lot of room between the ground and the first floor landing. Ms. McNamara stated that there are three windows under the deck, so they couldn't put it up against the windows. She also stated, that next year they want to do some paving under the deck and put in a new deck. Ms. McNamara explained with regards to the noise, the Homeowner's Association reviews that, and where the generator is going to be placed, their neighbor has a den that they don't use, as well as a garage there, and that is why they felt it was the least impactful place to locate it.

Mr. Caruso stated that the Homeowner's Association that approved it, recommended that they talk to the landscaping committee, and confirmed that she hasn't had the chance to do that yet. Ms. McNamara stated that they first had to confirm a location, and when they decide how they want to landscape it, then the Landscaping committee will have to approve the plantings. Mr. Caruso asked if the plantings will block it from the street. Ms. McNamara stated that they will.

Ms. Roberts clarified with Ms. McNamara that she stated that the generator would have a daily charge, and when they have spoken with other applicants for the same variance in the past, they

stated that the generator runs once a week. Ms. McNamara stated that her contractor said it would charge 20 minutes a day. Ms. Roberts only wanted to clarify it, and stated that it must be the brand of generator. Mr. Hasman mentioned that Ms. Roberts was correct, he understood that a generator only runs once a week as well.

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

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

MOTION CARRIED

APPEAL 2021-48

New Creation Builders for Timothy Dardis for (1) a variance from Section 1151.26(2) minimum 10 ft. side yard setback required to allow 5 ft., and (2) a variance from Section 1183.15(a) not to install the required hard surface driveway for a detached garage located at 8460 Brecksville Road, PP# 601-18-045.

Tim Dardis spoke to the Board regarding his appeal. Mr. Dardis submitted a letter from his neighbors on the south side, who would be most impacted by the project, Jim & Nancy Smith, 8472 Brecksville Road, who were in full support of the project. He stated that his other neighbor who was also in support of his project, was going to attend, but was sick.

Mr. Dardis stated that he wanted to build a detached garage in the rear of his property, so he could park his ATV, lawnmower, and some other items. He stated that they already have an existing gravel driveway that was there when they bought the home, and it will go to where the garage will be built. They are asking to build the garage 5 ft. from the property line, if they have to locate it 10 ft., they would have to cut down an oak tree and the structure would impede the yard. Mr. Dardis went on to explain, that with regards to the variance for the driveway, they currently have an existing gravel drive, and if they had to install a concrete drive, they would have to add more concrete, which would cause more water run-off to an already stressed drainage system in their yard. There is a large sewer where the drive is, and they have been through a substantial renovation, and had to completely re-grade their yard in the rear. Mr. Dardis stated that they had lots of flooding when they first moved in, and are concerned with adding more hardscaping.

Mr. Rose asked Mr. Dardis, since he had a concern, how did he plan to keep the water run-off managed from the garage that he wants to build, and asked him to explain his plan. Mr. Dardis stated that the sewer drain is located right where he plans to build the garage, and his plan is to take the water from the roof directly into the sewer. Mr. Rose clarified that he will have gutters on the garage, that will drain to the sewer. Mr. Dardis stated that was correct. Mr. Rose asked if he had explored other locations. Mr. Dardis stated that they had, but anywhere else would require cutting down more trees.

Mr. Caruso asked if the two evergreens that were there would stay. Mr. Dardis stated that they would, but the trees are on his neighbor's property, not his.

Mr. Rose clarified with Mr. Dardis that the reason for the variance and his hardship to not install a hard surface driveway, is more to appropriately manage water, so there is not more hard surface run-off. Mr. Dardis stated that was correct.

Mr. Hasman asked Mr. Dardis, that besides the ATV, did he plan on parking any other vehicles in the proposed garage. Mr. Dardis stated that he plans on getting a lawnmower and a trailer. Mr. Hasman asked if he planned on driving any other cars or trucks back there. Mr. Dardis stated that he did not. Mr. Hasman mentioned that he saw some ruts in his grass in the back, when he visited the site. Mr. Dardis explained that he has his trailer parked back there. Mr. Hasman stated that Mr. Dardis mentioned some stone or gravel that was already there, and said he didn't see that, and asked Mr. Dardis if it was compacted. Mr. Dardis stated that it was pretty compacted, they haven't maintained it since they moved in there, because they didn't plan on building a garage. Now that he is, he will probably add more gravel. Mr. Rose asked if he planned on adding more gravel. Mr. Dardis stated that he did. Mr. Hasman explained to Mr. Dardis, that he had spoke to other people about a plastic pad material with holes that lets the grass grow thru it, and provides a flat and solid surface, and told Mr. Dardis that he may want to consider something like that. Mr. Dardis understood, and was familiar with that type of application.

Mr. McCrodden asked if the garage will be located where the current trailer is stored now. Mr. Dardis stated that it will be store before that, towards the street. Mr. McCrodden asked if he planned on storing the trailer in the garage. Mr. Dardis stated if he can fit it in the garage he would. He is proposing to have the doors high enough to be able to fit it in there.

Mr. Collin asked how long Mr. Dardis lived in the house. Mr. Dardis stated that it would be six years in December. Mr. Collin stated, that for the limited use that he proposed for the garage, would he consider making it smaller, so he wouldn't need a variance on the 10 ft. setback. Mr. Dardis stated that he would like to keep it that size because he has multiple daughters, and would like to use it as his garage and work space. He was trying to keep the size at 600 sq. ft. because he didn't have to build deeper footers, but he wouldn't want to go smaller in case he were to outgrow it.

Mr. Hasman asked if he considered making it a shed that is larger than normal, where it wouldn't require a hard surface driveway, or does he want the overhead garage door. Mr. Dardis stated that he really wanted an overhead garage door on both sides for easy access.

Mayor Hruby asked if he planned on installing water, sewer, or electricity in the garage. Mr. Dardis stated that he would just install electricity.

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

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
Ralph W. Biggs Council Chambers of Brecksville City Hall
November 8, 2021**

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

Absent: None

Others: Building Inspector Synek, 5 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF OCTOBER 11, 2021

Motion by Mr. Collin, seconded by Mr. Caruso, to approve the Regular Meeting minutes of October 11, 2021, as recorded.

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

MOTION CARRIED

APPROVAL OF THE 2022 BOARD OF ZONING APPEALS CALENDAR

Motion by Mr. Caruso, seconded by Mr. Collin, to approve the 2022 Board of Zoning Appeals Calendar as submitted.

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

MOTION CARRIED

APPEAL 2021-46

Motion by Mr. McCrodden, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 minimum 20 ft. side yard setback required, to allow 18.5 ft. for an expansion of an existing garage, located at 10420 Spring Hill Drive, PP# 605-10-008.

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

MOTION CARRIED

APPEAL 2021-47

Motion by Ms. Roberts, 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 8060 Long Forest Drive, PP# 601-28-067.

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

MOTION CARRIED

APPEAL 2021-48

Motion by Mr. Caruso, seconded by Mr. Collin, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1151.26(2) minimum 10 ft. side yard setback required to allow 5 ft., and (2) a variance from Section 1183.15(a) not to Install the required hard surface driveway for a detached garage located at 8460 Brecksville Road, PP# 601-18-045.

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

MOTION CARRIED

REPORT OF COUNCILMEMBER CARUSO

Mr. Caruso reported that we had the election last week and he wanted to congratulate all six candidates, they all worked very hard. Brian Stucky, A.J. Ganim, Beth Savage all with a four year term, and Daryl Kingston with a two year term. Mr. Caruso looked forward to working with them.

REPORT OF MAYOR HRUBY

Mayor Hruby reported some activity in the downtown area, the front of the Masonic Temple, is revamping a few business fronts, and they are working on the storm sewer in front of the bank building, and will be renovating. Both of them will be improvements to the downtown area. Mayor Hruby also wished everyone a Happy Thanksgiving, and reported that City Hall will be closed this Thursday, November 11, 2021, to celebrate Veterans Day. Also, Rachel Engle will be starting as our new Recreation Director, on November 22, 2021, and we are happy to have her on board.

Motion by Mr. Hasman, seconded by Ms. Roberts to close the Regular Meeting at 8:00 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