

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
NOVEMBER 7, 2022**

Present: Gagliano, Caruso, Collin, McCrodden, Hasman

Absent: Hruby, Rose

Others: Building Inspector Synek, 7 guests

PUBLIC HEARINGS

Mr. Hasman started the meeting with an explanation of the code, the job of the Board of Zoning Appeals Committee, and the process of appeal.

APPEAL 2022-49

ARP Heating & Air Conditioning for Richard & Traci Stunek for a variance from Section 1326.02 to install a generator in the side yard, 26 ft. from the house, instead of the rear as required by code located at 9985 Barr Road, PP# 604-04-029.

Andy Pech with ARP Heating & Air Conditioning, spoke to the Board regarding their appeal. He stated that he submitted additional pictures of the property today, and went on to explain the reason for their hardship. He explained that the whole back of the house is landscaped with a deck and patio, and there is no place other than the side to place the generator that would be code compliant, and would fit in with their landscaping.

Mr. Hasman asked Mr. Pech to explain again, what their hardship was. Mr. Pech stated that the whole back yard is entirely landscaped with a patio and deck, and there is no place to put the generator that would fit in with the landscaping, it would be on their patio by the back door. Mr. Hasman stated that there was an air conditioning unit on the side of the house, and asked if he could place it next to that unit. Mr. Pech stated that it was possible, if the Stunek's would consider it. He also stated that he would have to review whether it was code compliant, with regards to distance from windows and doors, etc. Mr. Stunek spoke to the Board. He stated that it would be sitting right on top of their patio, and there really isn't a broad area sitting between the edge of the house and the patio. He wasn't sure it would fit there. Mr. Stunek went on to state, that aesthetically for his neighbors, he felt that it would be a far more attractive location in the woods, rather than out where you would be able to see it. He went on to explain, that their hardship, was that there was nowhere to put that size generator where it isn't hardscaped, decked or landscaped.

Mr. Hasman asked if the lot next to him was a separate parcel, or part of their lot. Mr. Stunek stated that it was part of their property. Mr. Hasman asked if it was an irregular shaped lot. Mr. Stunek said that it was a pie shaped area, but was not buildable, so it never could be sold off to be built on. Mr. Hasman asked if he had considered locating it on the side of their house instead of in the woods. Mr. Stunek stated that he was okay with it, but they thought if they put it in the woods, then nobody else would be able to see it, and it would also be hidden from the road. Mr.

Stunek stated again, that he was not opposed to it being on the side of the house, but went on to mentioned that there was a small swale there that drains water down the south side of the home.

Mr. Collin asked Mr. Stunek what made the wooded area unbuildable. Mr. Stunek stated there was an easement there, but wasn't sure what it was for. Mr. Caruso stated that it might be a sewer when they developed Valleybrook, and that the Mayor would know, but was not here. Mr. Collin stated that the reason he asked, was because a future owner would maybe clear some of the land, and you would be able to see the generator there without any covering, but if it is completely unbuildable, for one reason or another, then that answered his question.

Mr. McCrodden had a few questions for Mr. Synek. He clarified the definition of the rear of the house being behind the back line of the house, not literally behind the physical structure. Mr. Synek stated that was correct. Mr. McCrodden asked if Mr. Stunek understood what that meant and went on to explain it as an option to locating it in the woods. Mr. McCrodden also asked if the Board approve it, would it be subject to review by the Fire Department before a permit was granted. Mr. Synek stated that it would not. Mr. McCrodden stated that in that case, he was going to offer an amendment, that it would be required to be reviewed by the Fire Department before the permit is issued. Mr. Hasman felt that was reasonable. Mr. McCrodden asked Mr. Pech if he understood that. Mr. Pech stated that he did.

Mr. Caruso asked Mr. Pech if he had placed generators of this size before in a wooded area. Mr. Pech stated that he had many times, it was very common. Mr. Caruso asked if everyone had received a copy of the letter that the neighbor sent, they stated that they had. Mr. Caruso stated that the nature of the letter was setting a precedence of placing the generator this far away from the house. Mr. Pech stated that in most of the past cases, the woods have been in the back, in this case the woods are on the side. The only code requirement is that anything combustible be 5 ft. from the generator.

Mr. Hasman stated that being in the woods, there would be leaves and debris falling, and asked if it would be the homeowners responsibility to clear that area around the generator. Mr. Pech stated that in a normal installation next to the house, there are leaves and mulch, and debris falling. The exhaust doesn't get hot enough to cause any kind of a fire issue. You will have leaves and debris regardless of where you installed it.

Ms. Gagliano stated that Mr. Stunek mentioned a drainage issue next to the home, and clarified that there was no issue with drainage in the woods, no standing water there. Mr. Stunek stated that was correct, the way the home slopes downhill to the walk out basement, there is a small swale that dips down 6 or 8 inches and goes back up hill to the woods where it peaks and the woods slope to the south. The woods can be cleared around it, he explained that they just thought that it would be more hidden there.

Mr. Caruso asked if it will be installed on a small pad. Mr. Pech stated that it will.

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

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

APPEAL 2022-50

M. Karen Higley for a variance from Section 1151.25(d)(2)(B) from the maximum 192 sq. ft. to allow 308 sq. ft. for the construction of a shed located at 9455 Barr Road, PP# 603-11-021.

Karen Higley spoke to the Board regarding her appeal. Ms. Higley stated that she recently purchased the home, with the intent to build a shed in the back of the property. She stated that they currently have a shed off to the side in the front, but would like to put an additional one in the rear to make it more appealing, so you don't stare at it when you pull in. Also, their need for the shed, is because they don't have a basement, and they have quite a bit of kid's toys, lawn equipment, etc. that is taking over her garage, and they need the extra storage. She stated that they have talked with their neighbors, and there were no issues.

Mr. Hasman clarified that she would be tearing down the existing shed. Ms. Higley stated that she possibly would, if the new shed would meet her needs with the size. Mr. Hasman stated that from what he saw in the photos, it looks like a deep property, and asked how far the land went back. Ms. Higley stated that it was approximately 2 ½ acres back and 100 ft. wide. Mr. Hasman stated that it would appear that the shed would be about 200 ft. to the rear behind the house, and far away from the neighbors. Ms. Higley stated that was correct. Mr. Hasman clarified that none of her neighbors had an issue with the shed. Ms. Higley stated that was correct. Mr. Hasman asked how tall the shed would be. Ms. Higley stated that the walls are 8 ft. tall, and will be under the 15 ft. maximum height.

Mr. Collin made the comment that he was intrigued by the overhead photo showing the location of the shed, and that it was buried in the woods. He asked why place it so far back, and how she planned to reach it, would she install a concrete path to it. Ms. Higley stated that there is already an area cleared there, but she will probably cut some brush away to make it work. She did not intend to create a concrete path, but the shed will be on concrete. Mr. Collin asked why so far back. Ms. Higley stated that it was just for aesthetics, so that it wouldn't block her or anyone's view, and also, to keep it far enough away from the neighbors.

Mr. McCrodden asked Mr. Synek if the current shed was code compliant. Mr. Synek stated that there was a variance granted for the existing shed in 2007. Mr. McCrodden also stated that Ms. Higley mentioned that she would eventually move the shed, and wasn't sure what she defined as eventually. Ms. Higley stated that it was going to be a multi-step process, she just moved in. If she can get something bigger, and in the back, she would consider taking the other one down.

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

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

APPEAL 2022-51

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.

Bob Marek, Marek Builders spoke to the Board regarding their appeal. Mr. Marek stated that Mr. Yurko just bought the home, and currently lives out of state. Mr. Marek explained that Mr. Yurko is paralyzed from the waist down, and is in a wheelchair, so they are doing a lot of modifications to the house. He has two dogs that he would like to have the run of the back yard. In the backyard they are installing a sidewalk so he can go back there. The east and south side of the yard has a 6 ft. wood fence, the chain link is on the west side and back side of the property. He would like to match the current wood fence all the way around, and would like the fence to be 6 ft. because of the dogs, because if he got the lower fence, and they jumped over, there is nothing that he can do. It is mix matched right now, two sides wooden fence and two sides chain link.

Mr. Hasman asked what kind of dogs Mr. Yurko had. Mr. Marek stated that he wasn't sure, he had only met his son, Mr. Yurko has not come here from North Carolina yet. Mr. Hasman confirmed that his hardship was the safety of his animals. Mr. Marek stated that he was sure that is what it was, as well as the aesthetics, he didn't like the two different fences. Mr. Hasman asked if he had spoken with his neighbors regarding the fence. Mr. Marek stated that he spoke with his neighbors to the left of the house, and stopped over the neighbor across the street a few times, but they were not home. The neighbor to the right stated that she didn't like any fences, and he talked with her about what they were trying to achieve. Mr. Hasman asked if they had considered a 4 ft or 4 ½ ft. wooden fence that would comply. Mr. Marek stated that Mr. Yurko had asked him to match what was there. He wanted it higher for the dogs, and also make it safe for him too because of him being in a wheelchair. Mr. Hasman confirmed the type of fencing that is there, is a solid board fence. Mr. Marek stated that was correct. Mr. Hasman asked if they considered a board on board fence that would be compliant. Mr. Marek stated that he would have to ask Mr. Marek, but again, it wouldn't be matching what is currently there.

Mr. McCrodden asked if he had any idea when the solid board fence was constructed. Mr. Marek thought it was approximately 2012. Mr. McCrodden stated the reason he was asking was that there was no variance for that existing 6 ft. fence on record. Mr. McCrodden stated that he may want to talk to Mr. Yurko, and let him know the need for a variance for the existing fence. Mr. Marek asked if he would have to obtain a variance for the existing fence. Mr. McCrodden stated that it wasn't unheard of.

Mr. Caruso asked if Mr. Yurko would be open to replacing the fence with one consistent fence that would be compliant. It seems like the current fence might have been installed without proper permission. It would also be helpful to the Board to know what type of dogs he has, because there is a big difference between a Husky and a Chihuahua. regarding the difference on the height of the fence. Mr. Caruso explained that he has the option to table the appeal, and get more information and come back to the Board. Mr. Caruso stated that he can't speak for the other members of the Board, but for him, it would be helpful to have those pieces of information.

Mr. Marek stated that he would talk to his client and look more into it.

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

Motion by Ms. Gagliano, seconded by Mr. Collin to close Public Hearing.

MOTION CARRIED

APPEAL 2022-52

Kenneth Safranek & Jennifer Zoldak for a variance from Section 1183.04, which requires enclosed parking spaces to be 10 x 20 to allow 10 x 17 within a garage, for the construction of a mudroom located at 9210 Glenwood Trail, PP# 603-01-023.

Ken Safranek spoke to the Board regarding their appeal. Mr. Safranek explained that his garage is fairly oversized and can easily park 2 SUV's in it. He has lived in the house two winters and explained the layout of the house coming into it from the garage, and explained that they have no good place to take things off, especially in the winter, and would like to construct a mudroom. They have three kids and they have a lot of gear. They feel it won't be an eyesore to neighbors because of it being built out into the garage.

Mr. Hasman wondered how even with a normal size car, it would fit and asked how it will work. Mr. Safranek stated that it is a little oversized 22 ft. total and there is room on both sides. The garage is longer as well 30 ft. so there is plenty of room on both sides for both cars. He wasn't sure for the reason of the code, but it does make sense. They spoke to their neighbors as well.

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

Motion by Mr. Collin, 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
NOVEMBER 7, 2022**

Present: Gagliano, Caruso, Collin, McCrodden, Hasman

Absent: Hruby, Rose

Others: Building Inspector Synek, 7 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF OCTOBER 10, 2022

Motion by Mr. McCrodden, seconded by Mr. Caruso, to approve the Regular Meeting minutes of October 10, 2022, as recorded.

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

Nays: None

MOTION CARRIED

APPEAL 2022-49 - Amended

Motion by Mr. McCrodden, seconded by Ms. Gagliano, 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, 26 ft. from the house, instead of the rear as required by code, **subject to review by the Brecksville Fire Department**, located at 9985 Barr Road, PP# 604-04-029.

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

Nays: None

MOTION CARRIED

APPEAL 2022-50

Motion by Mr. Collin, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.25(d)(2)(B) from the maximum 192 sq. ft. to allow 308 sq. ft. for the construction of a shed located at 9455 Barr Road, PP# 603-11-021.

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

Nays: None

MOTION CARRIED

APPEAL 2022-51

Motion by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval 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.

Before the motion was seconded, Mr. McCrodden made the suggestion, that because the appellant was not in attendance, and just the contractor was representing him, with all the questions that the Board has had, would he like to table the motion until the following month, to allow the Building Department to defer the questions to the owner of the house. Mr. Caruso also explained to Mr. Yurko that he may have the full Board in attendance at the next meeting, and explained the procedure of needing 4 affirmative votes. Mr. Synek went on to explain, if they voted this evening and it did not pass, in order to come back to the Board again, they would need a substantially different request than what was previously submitted. Mr. Marek had some questions, then stated that he would like to table the appeal for this evening.

ROLL CALL: **MOTION TABLED**

APPEAL 2022-52

Motion by Mr. McCrodden, seconded by Ms. Gagliano, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1183.04, which requires enclosed parking spaces to be 10 x 20 to allow 10 x 17 within a garage, for the construction of a mudroom located at 9210 Glenwood Trail, PP# 603-01-023.

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

MOTION CARRIED

REPORT OF COUNCILMEMBER CARUSO

Councilmember Caruso reported that there are two issues on the ballot for tomorrow. Issue 24 is the rezoning for Highland Elementary School, which is currently a broad community use zoning for that property. It limits the current community use to specific uses and add R-20 housing, which is consistent with the surrounding neighborhoods. Mr. Caruso stated that this was reviewed by Planning Commission, and they approved it and recommended it to City Council. Council had 3 public hearing on this matter. Mr. Caruso hopes that everyone goes out to vote, he thought it was the right move for the city. The other issue on the ballot is Issue 25, which is rezoning the property on South Edgerton and Miller Road, for a business that would like to add a large party room, as another way to operate his business. Planning Commission also reviewed and approved it and City Council had 3 public hearings on this, as well, and received no objections from any residents.

REPORT OF MAYOR HRUBY

Not in attendance.

Motion by Ms. Gagliano, seconded by Mr. Caruso to close the Regular Meeting at 8:18 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