

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Ralph W. Biggs Council Chambers of Brecksville City Hall
July 12, 2021**

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

Absent: Hruby

Others: Building Inspector Synek, 21 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 2021-27

Northeast Ohio Deck Co. for Chris Kulbago for a variance from Section 1151.24 from the minimum required 60 ft. rear yard setback to allow 36 ft. for the construction of deck on a corner lot of a non-conforming house located at 9167 Dogwood Road, PP# 603-08-087.

Chris Kulbago, and Chris Molnar Northeast Ohio Deck Co., spoke to the Board regarding his appeal. Mr. Kulbago stated that they are looking to improve their property by adding a deck on to their home. He went on to explain that they are asking for a rear yard setback of 36 ft., and there are no issues with the side yards. The rear yard is non-conforming, and that is the reason for his variance. Mr. Molnar stated that there is an existing patio in that location that they will replace that patio with the deck.

Mr. Rose stated that he noticed there was a home behind him, and ask if he had spoken with any of his neighbors. Mr. Kulbago stated that to the east of his property, there are arborvitaes planted, and to the south at 9173 Dogwood Road, they sent a letter of support.

Mr. Hasman asked if the deck will be the same size as the current footprint of the patio. Mr. Kulbago stated that it would be the same size to the south, but to the east, it will be approximately 2 ft. larger than the existing patio. Mr. Hasman stated that it looked as though the deck would extend beyond the existing evergreens, and asked if they planned on planting any other vegetation for screening. Mr. Kulbago stated that he was not. He had spoken to his neighbor about extra plantings, and she stated that she was fine with no additional screening.

Mr. Collin stated that there was a shed in the back yard, and wanted clarification on whether the shed was on Mr. Kulbago's property. Mr. Kulbago stated that it was.

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

Motion by Ms. Roberts, seconded by Mr. Caruso to close Public Hearing.

MOTION CARRIED

APPEAL 2021-28

NEO Fence & Deck Co, Inc. for Jean Smith for a variance from Section 1185.03(b) to install a 4 ft. tall split rail fence, maximum 3 ft. height allowed, on a corner lot located at 6753 Mill Road, PP# 601-13-005.

Jean Smith, and Scott Middleton, NEO Fence & Deck Co, Inc. spoke to the Board regarding her appeal. Mr. Middleton stated that they are asking for a 1 ft. variance for a split rail fence. There is a four way intersection at the corner of her home, and they would like to install the fence for the safety of her grandchildren and dogs.

Mr. Rose asked if the height was the only issue, and not the type of fence. Mr. Synek stated that was correct, a split rail fence was allowed, but only a maximum of 3 ft. high.

Mr. Hasman asked if they considered an invisible fence to contain their pets. Mrs. Smith stated that would not help the safety for her grandchildren. Mr. Hasman stated that the side yard was the issue. Mrs. Smith stated that it is the side yard not the whole yard. She stated that she had a letter of support from her neighbor that she submitted to the Board.

Mr. Rose wanted the record to reflect that a letter from her neighbor, Amanda & Jeff Golem, 6826 Hilton Road, that supported her appeal.

Mr. McCrodden asked for clarification of the side yard. Mr. Middleton and Mr. Synek explained the location of the fence on the overhead screen.

Mr. Hasman asked what her hardship was in asking for the additional foot on the fence. Mrs. Smith stated that she thought a higher fence would be safer.

Mr. Collin stated that he noticed the fence across the street and wanted to know how high that fence was. Mr. Middleton stated that it was 4 ft. high picket fence, and there is also another 4 fence on the other property across the street that is a picket fence.

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

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

APPEAL 2021-29

Eric Szymczak & Vanja Stojanovic for (1) a variance from Section 1151.24 from the minimum required 80 rear yard setback to allow 65 ft, and (2) a variance from Section 1151.24 a minimum 30 ft. total side yards required to allow 18 ft. 4 in., for the construction of a rear yard addition located at 10946 Tanager Trail, PP# 602-06-006.

Eric Szymczak & Vanja Stojanovic spoke to the Board regarding their appeal. Mr. Szymczak stated that they purchased a three bedroom home with the intent of adding a fourth bedroom.

At the time they purchased the home, they were unaware of the zoning setbacks, and due to the current housing market they did not have time to review the current zoning restrictions in the neighborhood. They would have preferred to purchase a home that was large enough that they didn't have to add an addition on to it. Due to the material cost being extremely high right now, and the overall complications of a project of this size, it is not something they were thrilled about, however it took two years to find a home. They lost out on another home in Brecksville, but then found this home, and it was close to his wife's sister and children. They felt it was perfect, being close to their family. When they started planning the addition, that is when they found out about the zoning, and wanted to seek a variance. Mr. Szymczak stated that he did let his neighbors Therese Majewski and Ray Gavelek know that they planned on building an addition.

Mr. Rose asked what their neighbors thought of the project. Mr. Szymczak stated that he talked to Therese Majewski, but Chris was unavailable. He gave them a paper to sign regarding the project, but he did not receive anything back from them. He also spoke with Ray, who seemed amicable to it, but not completely in favor of the construction that would take place. Mr. Szymczak went on to explain, that he planned on having more children, and that is why he would like to add a fourth bedroom. They plan on staying in the home for the rest of their lives. Mr. Rose asked if they considered not encroaching on the setbacks and building up instead. Mr. Szymczak stated that they would like to keep their home a ranch, and it would have been more complicated to build up, instead of building out into the back yard.

Mr. Rose stated that they did receive several signatures from their surrounding neighbors, some opposing, some not.

Mr. Caruso clarified that the addition would go straight back and not encroach to the east. Mr. Jeff Masternak, their contractor, stated that it will be built straight back. They don't want it to be an eyesore, they want it to blend with the home. Mr. Masternak stated that his company specializes in the design and rebuilding of older homes. They like to keep with the character of the home. They also like to communicate with neighbors, in advance, about the project.

Mr. Collin stated that he noticed on the drawing that the addition would be closer to the neighbor on the right, and wondered if they had given consideration to moving it away from the edge of the property, and possibly centering it. Mr. Szymczak stated that they originally had a 4 ft. inset to accommodate the generator and the air conditioning unit in the rear of the home, and there is a potential chance they can keep it that way. They were really trying to maximize storage space in the home, because currently, there is minimal closet space. By locating it as it is proposed, they were able to maximize more storage space. Mr. Szymczak explained that they were willing to be flexible, and could discuss it with their design group, to satisfy the needs of their adjacent neighbor, Ray Gavalek, if that would be amicable. Mr. Szymczak stated that the center of their home is their great room, and that they have some nice large windows that look out into the backyard, so putting the addition right in the middle of the house would not be ideal. On the other side is the garage and laundry room, so that is why they selected the location that they did.

Mr. Hasman asked if putting a second floor addition was out of the question for them. Ms. Stojanovic stated that was one of the questions they asked their architect and engineer, and they said that the home could not hold a second story.

Mr. McCrodden asked if the siding on the addition would be relatively similar to the siding on their house. Mr. Szymczak stated that they will match the siding exactly to the house, and they will be re-siding the entire house with new siding. Mr. McCrodden asked Mr. Masternak if they will be able to do their work by staying on the applicant's property. Mr. Masternak stated that they most definitely will.

Ms. Roberts asked for a ballpark, of how long the project may take. Mr. Masternak stated that in total, it would be approximately 5 months, but they will be able to have everything framed in by the fall.

Mr. Collin asked if the addition will all be above ground, or would it have a basement. Mr. Szymczak stated that there is an existing crawlspace and they will continue that crawlspace under the addition, but no basement.

Mr. Rose asked about the house alignment of the bedroom addition relative to their neighbor's living space. Mr. Szymczak stated that they would likely plant shrubs and trees around the addition to help with privacy.

Mr. Rose opened up questions to the audience. Chris Majewski, 10952 Tanager Trail, spoke to the Board. He stated several reasons that he was opposed to granting the variance, i.e., altering the central character of the landscape, terrain, view, decreasing neighboring property values, creating erosion.

Susan Salisbury, 10928 Tanager Trail, spoke to the Board, and stated that everyone else in the neighborhood had to stay within the confines of the zoning code. She did not want to see somebody else's addition in the back of their house, while everyone else had to abide by the ordinance. She opposed the variance as well, and stated that it should not be granted.

Mr. Szymczak & Vanja Stojanovic stated that they understood their neighbor's concerns, and that they now understand that they have to work within the confines of the current restrictions. Ms. Stojanovic went on to state that the current housing market is very different from before, and they definitely would have bought a four bedroom home if they could have, and stated again, that they looked for a home for two years. They also considered other options for an addition to the house. They don't want to upset their neighbors in any way. Mr. Szymczak added, that regarding the addition and its view obstruction, the addition would not block any line of site for Mr. Gavalek, he would not be able to see the addition from his sunroom location. There is no line of site obstruction from anyone's home that is directly next to their home.

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

MOTION CARRIED

APPEAL 2021-30

Robert & Melanie Thuemling for a variance from Section 1151.24 from the minimum required 60 ft. front yard setback to allow 49.1 ft. for a garage addition on a corner lot located at 9889 Seneca Court, PP# 604-03-002.

Mark Dulik, Dulik Homes, spoke to the Board regarding the Thuemling's appeal. He stated that his clients are asking to extend the front of their garage 10 ft., which encroaches on the front yard setback. They would like to add a first floor laundry room and mudroom. They did go over other options with an architect for the first floor, but they did not have enough footprint for it to work. Mr. Dulik stated that the laundry room was in the basement, and it was an inconvenience. They want to stay in their neighborhood rather than try to move.

Mr. Collin stated that the addition will change the setback to the adjacent property at 9899 Seneca Court, and asked if he had spoken with his neighbor, and if they had any comment on it. Mr. Dulik stated that he believed the Thuemling's spoke with them, but had nothing formal in writing.

Mr. Hasman stated that there was a very large tree in that location, and wanted to know if it would be affected by the addition. Mr. Dulik stated that they would try to save it if they could, but was not sure. Mr. Hasman asked about locating the addition to the rear. Mr. Dulik stated that Mrs. Thuemling wanted the entrance to be from the garage, and to be used as a drop off area and mudroom for the kids, and a laundry room. There is also a family room in the back, and they could not move that because it is on a slab and it is sunk down. If they moved it to the rear they would have had to reconfigure the whole house. There may be a kitchen addition on the back of the house, which would be phase two of this project. Mr. Hasman stated that the line of site on the corner when you turn, would be somewhat obstructed.

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

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

MOTION CARRIED

APPEAL 2021-31

Linda DePompei for a variance from Section 1185.03(a) to install a 5 ft. tall picket fence, maximum 4 ft. height allowed located at 6644 Hawthorne Drive, PP# 601-01-110.

Linda DePompei spoke to the Board regarding her appeal. She stated that she presently has a 5 ft. high wire chain link fence. She explained that after having it year after year, it has deteriorated, and she is asking to replace the chain link fence to a 5 ft. wooden dog eared picket fence, to match the existing 5 ft. fence on the opposite side, so that everything is cohesive.

Mr. Rose asked if Ms. DePompei had spoken with her neighbors. Ms. DePompei stated that she had, and some of them were in attendance this evening.

Mr. Rose opened up questions to the audience. Carol Ivan, 6634 Hawthorne Drive, stated she was Linda's immediate neighbor to the west. She was fine with the variance, and stated that Ms.

DePompei was just trying to match what was on the other side of the patio, and felt that everything would match and be lovely. She felt it would be a huge improvement over the chain link fence.

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

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BRECKSVILLE BOARD OF ZONING APPEALS
Ralph W. Biggs Council Chambers of Brecksville City Hall
July 12, 2021**

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

Absent: Hruby

Others: Building Inspector Synek, 21 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF JUNE 7, 2021

Motion by Mr. McCrodden, seconded by Mr. Collin, to approve the Regular Meeting minutes of June 7, 2021, as recorded.

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

Before voting on each appeal, Chairman Rose gave the appellants the option to table their appeal until next month, when there may be seven Board members present, stating there would be no guarantees. Everyone went forward with the vote.

APPEAL 2021-26

Motion by Mr. Caruso, seconded by Mr. McCrodden that the Board of Zoning Appeals remove Appeal 2021-26 from being tabled.

ROLL CALL: Ayes: Roberts, Caruso, Hasman, Collin, McCrodden, Rose
Nays: None
MOTION CARRIED TO REMOVE APPEAL FROM TABLED

Mr. Caruso stated, that the Board discussed at the last meeting, getting an opinion from our City Prosecutor about granting a temporary variance for this appeal. Mr. Caruso had a discussion with our City Prosecutor, and he stated that there was no such thing as a temporary variance in our ordinance, and he felt that granting something temporary would be setting a precedence. Based on that decision, the Board proceeded with the vote for the appeal.

Motion by Mr. McCrodden, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.06(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.

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

APPEAL 2021-27

Motion by Mr. Hasman, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 from the minimum required 60 ft. rear yard setback to allow 36 ft. for the construction of deck on a corner lot of a non-conforming house located at 9167 Dogwood Road, PP# 603-08-087.

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

APPEAL 2021-28

Motion by Mr. Caruso, seconded by Mr. Collin, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1185.03(b) to install a 4 ft. tall split rail fence, maximum 3 ft. height allowed, on a corner lot located at 6753 Mill Road, PP# 601-13-005.

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

APPEAL 2021-29

Motion by Ms. Roberts, seconded by Mr. Hasman, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1151.24 from the minimum required 80 rear yard setback to allow 65 ft, and (2) a variance from Section 1151.24 a minimum 30 ft. total side yards required to allow 18 ft. 4 in., for the construction of a rear yard addition located at 10946 Tanager Trail, PP# 602-06-006.

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

APPEAL 2021-30

Motion by Mr. Collin, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 from the minimum required 60 ft. front yard setback to allow 49.1 ft. for a garage addition on a corner lot located at 9889 Seneca Court, PP# 604-03-002.

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

APPEAL 2021-31

Motion by Mr. Hasman, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1185.03(a) to install a 5 ft. tall picket fence, maximum 4 ft. height allowed located at 6644 Hawthorne Drive, PP# 601-01-110.

ROLL CALL: Ayes: Caruso, Hasman, Collin, McCrodden, Rose
Abstain: Roberts
Nays: None
MOTION CARRIED

REPORT OF COUNCILMEMBER CARUSO

Mr. Caruso reported that the new pool has been extremely well received. He also reported that they are very close to selecting a replacement for Tom Tupa, Director of Recreation. Mr. Caruso went on to state that the City's Home Days will be this weekend July 16, 17, and 18 with all the festivities. The next City Council meeting is Tuesday, July 20, 2021.

REPORT OF MAYOR HRUBY

The Mayor was not in attendance.

Motion by Mr. McCrodden, seconded by Mr. Caruso to close the Regular Meeting at 8:27 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