

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
APRIL 11, 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 2022-11

NEO Fence Co. Inc., for John Miess for a variance from Section 1185.03(a) maximum fence height of 4 ft. to allow 5 ft. located at 9300 Reserve Run, PP# 604-22-001.

John Miess and Scott Middleton with NEO Fence Co. Inc., spoke to the Board regarding the appeal. Mr. Middleton stated that they are proposing a 5 ft. decorate aluminum fence with a few access gates. Mr. Middleton stated that Mr. Miess has some growing grandchildren and two 100 pound dogs, so they were hoping that the extra foot of fence would give them a little bit more safety and security, and protection for the dogs as well.

Mr. Rose explained to the appellant, that this Board has had many requests for variances on higher fences. City Council has a fence ordinance that has been around for a long time, which allows no higher than a 4 ft. fence. Mr. Rose asked if they had thought of other ways to keep their dogs in place besides a 5 ft. fence. Mr. Miess stated that they have considered other ideas, but that the fence seemed to be the best way to go for them. Mr. Rose asked Mr. Miess to explain why he would need a taller fence for his grandchildren. Mr. Miess stated that they were just looking for safety and security for them, the extra foot would be for the grandchildren, as well as the dogs. It would help with them not getting over the fence, and also from animals coming in and out of the yard. Mr. Rose asked how many dogs they had and what kind. Mr. Miess stated that he had two Great Pyrenees.

Mayor Hruby asked what the size of his lot was. Mr. Miess stated he wasn't exactly sure, but then said five acres. Mayor Hruby clarified that it would have to be at least 5 acres. The Mayor explained that he was trying to get some information clarified for the record. Mayor Hruby asked if his lot bordered the turnpike. Mr. Miess stated that was correct, the turnpike was behind him. Mayor Hruby asked if he had spoken with his neighbors on either side of him. Mr. Miess stated that he had, the HOA had also given their approval on it, pending the Board of Zoning's approval, and went on to say that a few of his neighbors had some questions, but there were no negative comments. Mayor Hruby asked why he chose 5 ft. Mr. Miess stated that his previous Great Pyrenees were able to jump 4 ft., but could not jump 5 ft., and he felt it would be the same with these two dogs.

Mr. Collin asked Mr. Miess how long he has lived at this residence. Mr. Miess stated that they just moved, and they have been there for two months now. Mr. Collin asked what he was doing with the dogs now. Mr. Miess stated that they have a small pen, and they have to be out there with them, because it is a 48" pen, they are walking them with a leash. Mr. Collin asked if they were grown dogs. Mr. Miess stated they were 2 and 4 years old.

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 2022-12

Timothy Dardis for (1) a variance from Section 1151.25(d)(1) maximum 660 sq. ft., to allow 864 sq. ft., and (2) a variance from Section 1181.11(b) 15 ft. maximum building height to allow a 16.17 ft. height for the construction of a detached garage located at 8460 Brecksville Road, PP# 601-18-045.

Tim Dardis spoke to the Board regarding his appeal. Mr. Dardis thanked the Board for having him back, and stated that this was his second time in front of the Board, regarding the garage. He stated that as he waited to find the right contractor to build and design the garage, he realized that the size would not allow him to fit the trailer and camper that he was getting. Mr. Dardis went on to explain that the variance for the height, allowed him to get the doors to be 9 ft. high, so he can pull the tall items into the garage and store them so they are not outside. He stated that he did not think of that the first time he came to the Board for a variance on the garage. Mr. Dardis passed out letters of support that he got from his neighbors.

Mr. Rose clarified that the size portion of the variance, is to store the trailer and camper inside the garage and not outside, like the code requires. Mr. Dardis stated that was correct. Mr. Rose asked if the height variance was driven by the doors. Mr. Dardis stated that it is driven by the doors, because they are 9 ft. doors and then they have to have 10 ½ ft. walls, and also storage up top. Mr. Rose asked if he worked with his architect or builder to see if they could lower the height of the garage. Mr. Dardis stated that he did ask for the garage to be lowered as much as it could go, but he said because of the headers for the doors, it needed to be where it is. He said he lowered it as far as he could. Mr. Rose stated that the property is set back further from the street, and there are some trees, and asked how visible it would be from the road. Mr. Caruso stated that he didn't think you would be able to see it, he said it is a long lot, and will be set pretty far back. Mr. Dardis stated that you will not be able to see it from the street. Mr. Rose said that he didn't think so either. Mr. Dardis stated that the two neighbors are the only ones that can see it. Mr. Rose stated for the record, that he had letter from Ken and Jeanie Cunningham, 8448 Brecksville Road, and Jim and Nancy Smith, 8472 Brecksville Road, that were both in support of his project.

Mr. McCrodden stated that in November, he received a variance to build a garage 5 ft. from the property line, and asked if he would still be building it at 5 ft. or would the new garage meet the 10 ft. code. Mr. Dardis stated that it would still be at 5 ft., and will stay the same width. It would just go longer than the original design. Mr. McCrodden had a question for Mr. Synek, and asked,

given this new variance, would the 5 ft. variance he was granted, still be applicable. Mr. Synek stated that it would be.

Mr. Hasman stated that at the midpoint the garage is 16 ½ ft., and asked how high the garage is to the roofline. Mr. Dardis did not know the overall height. Mr. Hasman clarified that the peak is actually going to be higher than the 16 ½ ft. Mr. Dardis stated that it would be approximately 2 ft. higher where the peak is, he was not sure of the exact dimension.

Mr. Collin asked what use he planned to make of the attic. Mr. Dardis stated that it would just be storage for the kids toys and holiday stuff, and that is why he wanted to have stairs and not a crawl space. Mr. Collin said the reason he was asking, was because he was wondering why the ceiling couldn't be lowered, and then the height issue would be resolved. Mr. Dardis stated that at the peak it will actually be 6 ft. so you can walk up there, and it would be easier for storing and removing items.

Mr. Rose was confused and stated that Mr. Dardis originally stated that it was the doors that drove the height variance, and now he is telling us that he wanted more space to walk around in the attic, and asked him to clarify. Mr. Dardis stated that the doors drove the high walls, but the Board asked if he could lower the peak. Mr. Rose stated that he could, then actually lower the pitch of the roof. Mr. Dardis stated that he didn't actually know, he wasn't sure of the design of the peak or the pitch, but he had told the builder he would like to be able to walk in there, if that was possible. Mr. Rose asked Mr. Synek what kind of pitch would be needed to be code compliant. Mr. Synek stated that he did not have that figure.

Mr. Caruso asked if he knew the height of the roof of his house. Mr. Dardis stated that he did not know. Mr. Caruso was trying to visualize if the garage would be higher than the house.

Mr. Rose stated that he knows he would lose the ability to walk around in the attic, but without the variance he would still design it with a different pitched roof that would be less of an area. Mr. Dardis stated that he didn't care if it was that type of pitch or not, that is the way it was designed, and he did ideally want to be able to walk in there if possible. He stated that it was also possible to do a gambrel style roof or barn style, and if that is needed, he would be happy to accommodate that. Mr. Rose asked if his builder or designer was aware of the City's code. Mr. Dardis stated that he made him aware of the code, and asked him to do their best to stay within those parameters, because he really didn't want to ask for two variances.

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

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
APRIL 11, 2022**

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

Absent: None

Others: Building Inspector Synek, 3 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF MARCH 7, 2022

Motion by Mr. Caruso, seconded by Mr. Collin, to approve the Regular Meeting minutes of March 7, 2022, as recorded.

ROLL CALL: Ayes: Gagliano, Caruso, Hasman, Hrubby, Collin, McCrodden, Rose
Nays: None

MOTION CARRIED

APPEAL 2022-11

Motion by Mr. McCrodden, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1185.03(a) maximum fence height of 4 ft. to allow 5 ft. located at 9300 Reserve Run, PP# 604-22-001.

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

MOTION CARRIED

APPEAL 2022-12

Motion by Mr. Collin, 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 allow 864 sq. ft., and (2) a variance from Section 1181.11(b) 15 ft. maximum building height to allow a 16.17 ft. height for the construction of a detached garage located at 8460 Brecksville Road, PP# 601-18-045.

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

MOTION CARRIED

REPORT OF COUNCILMEMBER CARUSO

Mr. Caruso reported that at the last City Council meeting they had their 1st reading for the TIF monies that will be used to improve the interchange and other infrastructure regarding Miller Road and that part of the Valore Acres development. From the meeting with the attorney and firm that specialize in TIFS, the two big take away's, is that the City is not liable for the repayment of the bonds. The people that invest in these bonds are very sophisticated investors and they understand that the repayment of these bonds comes strictly from the taxes that are

generated by the development. The City's credit rating is not at risk. There will be a second reading at the next meeting, and a third before this is voted on.

Mr. Rose asked if there was a timeline of when construction will start for the interchange project. Mayor Hruby stated that it should be starting soon, they are just finishing up the acquisition and the final drawings, and maybe the end of spring it will start. Mr. Rose stated that material costs are skyrocketing and it will be a lot more expensive to do projects. Mayor Hruby stated that it was one of the things that was discussed this morning, having to apply for a percentage of additional funding. ODOT has agreed to put in whatever the percentage is for the over runs, and we are now looking for additional dollars to make up those over runs.

REPORT OF MAYOR HRUBY

The Mayor reported that the first phase of Valore Acres for the residential area, is under construction and the first building is going up, which will be apartments. All of the foundation is in for the Sherwin Williams building, and is well underway.

The Mayor wished everyone a blessed Easter.

Mr. Rose also wished everyone a Happy Easter.

ADDITIONAL INFORMATION

Mr. Synek wanted the record to reflect that Appeal 2022-09, on Glen Valley Drive, that was tabled at the March 7, 2022, meeting, has since been withdrawn.

Motion by Mr. Hasman, seconded by Hruby to close the Regular Meeting at 7:57 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