

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
June 12, 2023**

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

Absent: None

Others: Building Inspector Synek, 4 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 2023-22

ARP Heating & Air Conditioning, Inc. for Robert and Kathy Dobrowsky 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 9962 Spearhead Drive PP# 604-03-090.

Andy Pech, the owner of ARP Heating and Air Conditioning represented the owners, Mr. and Mrs. Dobrowsky. The whole back yard is hardscaped with a swimming pool and hot tub, he stated the only code compliant area they have is the left side of the home, up tight against the house, the right side is too close to the electric meter and the driveway, and he only has one option and that is the hardship, they have no place in the backyard.

Mr. Rose asked to if the generator needed to be tested weekly, Mr. Pech stated they could be tested weekly, every other week or monthly and Mr. Rose stated that might be the thing the neighbors will have a reaction to, when the testing will be done, assuming the homeowner will have it done when the neighbors will not be home or in the middle of the day, Mr. Pech said they usually set them for noon on Saturdays. Mr. Rose asked if the homeowner would be willing to adjust the time of the testing if the neighbor preferred it and Mr. Pech stated of course.

Mr. McCrodden asked if Mr. Pechs client would be willing to put arborvitaes around it to screen it from the neighbor's and he stated he did not think that would be a problem. Mr. McCrodden stated he would add an amendment.

Mr. McCrodden asked Mr. Synek if the generator was slid directly behind the back line of the house would it be in compliance, Mr. Synek stated it would be. Mr. McCrodden asked if it was about 20 feet back it would be in compliance and Mr. Synek said yes. Mr. McCrodden stated for purposes, the city code it's the back line of the house not literally behind the house, Mr. Pech asked if they wanted it behind the house and Mr. McCrodden stated no he was just confirming the nature of the code.

Mr. Rose asked if there were any further questions from the member of the board and there were none.

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**

Appeal 2023-23

Wade & Jaclyn Perry for a variance from Section 1151.26(7) from the minimum required 3 ft. side yard setback to allow 0 ft. for the extension of a non-conforming driveway located at 6837 Oakes Road, PP# 603-07-020

Mrs. Perry stated they wanted to replace their driveway, they are in the process of renovating their house and they want to replace the driveway. They've extended their garage so that their cars now fit in their garage, however now to turn those cars around they've shortened the back of it and by code, they can, even though the driveway is not in compliance with current codes being three feet from the property next to them, they can replace same for same, so it's grandfathered in if they wanted to replace the driveway. They will eventually have two new drivers, their children growing up and driving and they want them to be able to pull up and be able to turn their cars around because coming out on Oakes Road and being between two main roads, traffic, backing out of the driveway is a little bit of a concern especially for the kids and even guest coming in, so they need that little section. If they followed where the code is right now they would have to replace the same driveway and then go over three feet and continue the driveway which would allow a little bit more maneuvering. Continuing it straight back just like the neighbors next to them would allow a car to pull in and then they can come around and either back in or readjust the cars. They are just looking for that extra space rather than having that area that's just grass.

Mr. Rose asked if they were only going to extend the pad and Mrs. Perry stated they only want to extend the pad, they want to just include that three feet so essentially it will look exactly the same.

Mr. Rose said he has no questions and asked if there were any questions from the members of the board and Mr. Collin asked if the driveway is already out of compliance and Mrs. Perry stated it is grandfathered in and it's just that little section to make it the same.

Mr. Rose asked if there were any further questions from the member of the board and there were none

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

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

Appeal 2023-24

David Madsen 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 4563 Hunting Valley Lane PP# 601-14-034.

Mr. Rose stated he is a neighbor of Mr. Madsen and is recusing himself so Mr. Hasman will deal with it, and Mr. Rose made a comment that it is a wonderful neighborhood in Brecksville.

Mr. Hasman asked Mr. Synek how this arose. Mr. Synek stated the Building Department received an anonymous phone complaint. Mr. Hasman stated it is the biggest generator he has ever seen and it has to be tested just like all of the generators. Mr. Hasman if it's the one that's already installed there on the side of the house. Mr. Madsen said yes. He was led to believe with the first permit that he received from Precision, when they put the pad down the need or reasoning for that pad was known by all and they were led to believe also by Ohio Generator Systems that they would take care of any additional necessary permits. The pool was already there when they bought the property and it pretty much consumes the entire area behind the house line all the way up to the drainage easement. The reason they replaced that pad was because the previous pad was sloping in a really bad way toward the house. They have roughly seven and a half feet from the end of the house to the property line and that's it and the only other place that he could ever see would be in the scenic preserve or in the drainage easement area which is always disallowed.

Mr. Hasman stated like they mentioned earlier, would he be willing to put additional screening. Mr. Madsen stated he would. Mr. Hasman stated it would be there to make sure that it buffers the noise but also the visual aspect of it.

Mr. Hasman asked if there were any questions or comments from the board members. Mr. Collin asked how long Mr. Madsen has lived at the residence and Mr. Madsen stated roughly three and a half years, Mr. Collin asked when was the generator installed, Mr. Madsen replied two months ago. Mr. Collin asked if he was dealing with a Generac representative. Mr. Madsen said at first they contacted Precision, he then called Generac and asked them for the best local contractor that they have and they recommended Ohio Generator.

Mr. McCrodden asked if Mr. Madsen would submit the letter for the record from his neighbor and Ms. Gagliano asked if he could also bring up the literature on the generator, he replied yes to both.

Mr. Hasman asked Mr. McCrodden if it would be a good idea to build into the motion something about screening around the generator and Mr. McCrodden agreed.

Mr. Hasman asked if there were any further questions from the member of the board and there were none.

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
June 12, 2023**

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

Absent: None

Others: Building Inspector Synek, 4 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF MAY 8, 2023

Motion by Mayor Hruby, seconded by Mr. Caruso, to approve the Regular Meeting minutes of May 8, 2023, as recorded.

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

MOTION CARRIED

APPEAL 2023-22

Motion by Mayor Hruby, seconded by Ms. Gagliano, that the Board of Zoning Appeals recommend to City Council approval for a variance for ARP Heating & Air Conditioning, Inc. for Robert and Kathy Dobrowsky 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 9962 Spearhead Drive PP# 604-03-090, with an amendment providing arborvitae screens are added as approved by the city arborist.

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

MOTION CARRIED

APPEAL 2023-23

Motion by Mr. Caruso, seconded by Mr. Collins, that the Board of Zoning Appeals recommend to City Council approval a variance from Section 1151.26(7) from the minimum required 3 ft. side yard setback to allow 0 ft. for the extension of a non-conforming driveway located at 6837 Oakes Road, PP# 603-07-020

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

MOTION CARRIED

APPEAL 2023-24

Motion by Mr. McCrodden, seconded by Mr. Collin, 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, located at 4563 Hunting Valley Lane PP# 601-14-034, with an amendment providing arborvitae screens are added as approved by the city arborist.

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

REPORT OF COUNCILMEMBER CARUSO

Mr. Caruso reported the road programs on Greenhaven, Calvin Road and Route 82 is making progress and our new Service Director is settling in, we've also been awarded grant money to repave our roads and for Kids Quarters.

REPORT OF MAYOR HRUBY

Mayor Hruby reported that June 23, June 24 and June 25th are home days.

Motion by Mr. McCrodden, seconded by Mayor Hruby to close the Regular Meeting at 8:17 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 Lisa Canzoni