

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
October 9, 2023**

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

Absent: None

Others: Building Inspector Synek, 10 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 2023-40

Preston Buchtel for Michael Dimas for (1) a variance from Section 1151.25(d) (2) (C) maximum 240 sq. ft. to allow 1117 sq. ft. for the construction of a pool house building located at 2643 Hidden Canyon Drive, PP#605-11-018.

Mr. Buchtel representing Lindsay and Michael Dimas, he stated the drawings and documentation indicate his clients are looking to build an 1117 sq. ft. pool house along with a pool in the backyard, the pool is currently under review with the building department but have run into problems with square footage. His understanding with the building code is they can actually build this sq. footage if it was broken up into multiple buildings and as they developed the project they felt having multiple buildings would make it crowded in the backyard and create functional issues. Mr. Rose asked if the neighbors were notified and Mr. Buchtel stated it was his understanding both neighbors were notified and had no problems with the project. Mr. Rose summarized what he heard, because of the topography and limited backyard space and because it is a corner lot, complying with the code and putting little buildings up is impractical. Mr. Hasman asked Mr. Synek how many buildings can be put in a backyard and Mr. Synek stated the ordinance does not limit the number of buildings, Mr. Hasman then asked Mr. Buchtel if he knew about the social gatherings that will be held at the property and how often they might occur, Mr. Buchtel stated they like to spend time outdoors as a family and often entertain their families but is not sure how often that occurs. Mr. Hasman asked about screening and Mr. Buchtel stated they may put evergreen conifers along the property line along with deciduous trees they currently have. Mr. Hasman asked if they have considered providing a footprint that's smaller than what's been submitted and Mr. Buchtel stated they did cut it down a bit but also feel it is pretty tight but will work nicely for what they want. Mayor Hruby asked what are they planning on using this building for, will there be water, sewer, restrooms. Mr. Buchtel stated no bathrooms, there will be a bar area so there will be plumbing and electricity and heat to take the edge off in the wintertime but is not intended to be used in the off seasons, the only space that will have heat and air conditioning is the studio space which Lindsey intends to use year round. Ms. Gagliano asked if the plans were submitted to the HOA for approval and Mr. Buchtel stated they talked to the HOA and were told they need to see if the variance was accepted before they look at it.

Mr. Rose opened up questions to the audience. Heidi Boehlefeld who resides at 9215 Eagle Ridge Circle spoke, she stated this is the first time they are hearing about it but has questions

about the impact, if any, on the scenic easement and any trees that are going to be cut down, she was also the former President of the HOA, she stated there are declarations, covenants, conditions, restrictions and easements that run with the land and there is a provision in that document that talks about outdoor items that shall be indicated on the site plan but also says no accessory storage building will be permitted in Hidden Canyon. Mr. Caruso asked Mrs. Boehlefeld as a former HOA President was it former practice prior to get HOA approval before they came to BZA and she could not answer that because there were no other variances that they were notified of. Mr. Buchtel then showed Mrs. Boehlefeld where the screening was going to be placed. Mr. Collin asked about the studio in terms of the overall footprint of the structure and asked if there is a reason the studio couldn't be put in the main residence or the main residence adjusted to accommodate it? Mr. Buchtel stated they did look at that but there was a greenhouse on the end of the building as a possibility but the house does not offer that kind of space where it would work well. Mr. Boehlefeld questioned a berm that is on his property and he and Mr. Buchtel then spoke about landscaping. Mr. Caruso asked Mr. Buchtel if the Board were to table this would there be an issue going and getting HOA approval and then representing at a later time and Mr. Buchtel stated no, if that's a concern they can do that.

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

Appeal 2023-41

Peter Backer for Kevin Sears for a (1) variance from section 1151.24 from the minimum required 10 ft. side yard setback to allow 4.75 ft. and (2) a variance from 1151.24 minimum 125 ft. front yard setback to allow 115.16 ft. for the construction of an addition located at 5400 Valley Parkway, PP#603-17-026.

Mr. Backer spoke for Mr. Sears and stated Mr. Sears wants to prepare his first floor living area, master bedroom and bath and get it prepared for future, if needed, handicap accessibility. In order to do that he needs a little bit on the side of the house which encroaches on the two easements, the side and the front set back. Mr. Rose asked if they made the addition within the setbacks would there be a functional living space and Mr. Backer said no, that the size of the bathroom needed to be increased for the roll in shower, three foot doors and possible mechanical arm to help get into the tub. Mr. Rose asked if Mr. Sears spoke to the neighbors and Mr. Backer stated he has spoken to both neighbors, on the left and right and to the knowledge of Mr. Backer both neighbors have no objection. Mr. Collin asked what was being built behind the house and is there some reason the extension on the side of the house can't be accommodated, at least partially? Mr. Backer stated the back of the house is being renovated through landscape company Moscarino and they have permits and plans for a porch and outdoor eating. Mr. Collin asked why the addition needs to be as large as it is, Mr. Backer stated the 15 X 32 ft. addition is basically giving them the 15 ft. depth that they need and the 32 ft. is not quite the length of the house but to make it blend, Mr. Collin asked is there some reason some of the addition can't be moved to the back of the house so they don't need a variance? Mr. Backer stated to his knowledge the landscaping work had started and the thought of the addition was after the landscaping had started.

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

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

Appeal 2023-42

Jeffrey Mathys for (1) a variance from Section 1185.03(a) maximum fence height of 4 ft., to allow 6 ft. Located at 11535 Cherokee Lane, PP#602-11-032.

Mr. Mathys spoke and stated he is looking for a 6 ft. fence variance, last month he had requested a taller solid fence and received feedback from the neighbors and the Zoning Appeal Board that was not acceptable and they were looking for something different in terms of the material construction, not a solid fence. Mr. Mathys stated he looked back through the records for the last 2 ½ years and a 6 ft. fence was not an exception in the city and there have been at least 11 variances that are 6 ft. in height, Mr. Mathys read the appeal numbers of eleven variances and stated 9 times a fence at 6 ft. has been granted by the Board and two have not been granted, the two examples where they were not granted was because one of the fences had 2 heights, one height was 6 ft. and the other was 9 ft., and the other example was because it was a solid vinyl fence that was 6 ft. in height, some of the neighbors supported these requests and others did not. Mr. Rose stated, as he said in the beginning of the meeting, the reason an applicant comes in is because each property is unique, so whatever their circumstances were and however they made their case was like that. Mr. Rose stated he still has an issue from the last hearing Mr. Mathys came to, which he said the fence is being requested for animals but he is not closing anything else up and finds it hard to believe he is requesting the fence to keep the animals out. Mr. Mathys stated it was not made clear to him that he needed a fully fenced in yard and said in the city we have paved streets, electric wires and other things that present hazards to wildlife and a fence provides a guide to wildlife to stay away from man-made objects which are clearly a danger to them and asked if the Board had any suggestions to gently keep the wildlife out of his yard and kept in the Metroparks where he feels they belong and out of danger. Mr. Rose stated even if Mr. Mathys is correct, he is trying to guide them into his neighbor's property, Mr. Mathys stated that's their choice and that is not what he is trying to do and feels a fence will protect people from animals and animals from people. Mr. Caruso spoke and stated his point on the animals is a good one and talked about the other granted variances that may have been higher in height and typically they've either been if a residential property was adjacent to a commercial property and commercial properties are allowed to have 6 ft., or properties abutting against the parks where you have situations like coyotes and dogs and that does not apply to Mr. Mathys, Mr. Mathys said it does apply to him that coyotes, dogs, turkeys and foxes, all of the animals don't know where the park stops and other properties start. Mr. Rose asked why he doesn't put in arborvitae and Mr. Mathys stated it's not attractive, he does not need a permit for it and he is less interested in it taking 5 years for it to fill out. Mr. Hasman stated he has a lot of grasses on the right hand side of his house and the animals can get through there, Mr. Mathys stated yes they can and they put them in last year to screen the property from the neighbor and it was not designed to stop the animals from coming into the yard.

Mr. Rose opened up questions to the audience. Shannon Geiger, who resides at 11526 Iroquois Trail spoke, she stated they have a fence on their property and the reason they are against the 6 ft. fence is the same reason they were against the 8 ft. fence he never mentioned it was a privacy fence until he spoke at the last meeting and made it sound like it was for protection from the wildlife and he couldn't have his sprinkler system or the deck he may build in the future. Mr. Mathys came up and stated he wants to protect his investment, which is his property and that he is not in fear of the wildlife that come on his property.

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

Appeal 2023-43

Applied Medical Technology (1) A variance from section 1157.29(d)(1) minimum 75 ft. rear setback required to allow 55.09 ft. for the construction of a building, and (2) a variance from section 1183.04(c) minimum parking stalls 10'x20' to allow 9'x18' for a parking lot expansion located at 8006 Katherine Blvd. PP#604-14-019.

Andy Gray with Mann, Parsons, Gray Architects 3660 Embassy Parkway, Fairlawn Ohio spoke, and said they are looking at 2 variances the first one being the parking stall size, the existing parking lot currently has 9 X 18 spaces and are requesting a variance for the additional parking they are proposing to be 9 X 18 as well and to be consistent with the rest of the parking lot, it is an ownership request, they have not had any issues and want to keep things consistent through the whole parking lot and the other item they are looking at is the 19.91 ft. variance request. The hardship is the portion of the building is the garage for the owner of the facility and he has an office on the second floor that is connected to a patio and an elevator as well, he also has some accessibility needs and that serves the purpose for him to go from the garage, into the building and straight up to his office, the elevator also lets anybody in the office use the elevator as well. They could not put the garage anywhere else on the site due to the topography, they needed that extra area where they have paving shun to slope that to the garage to make it level, they have another garage addition that is set down because the way the topography works it did not make sense to have it down a few feet and have somebody with accessibility needs to go back up again. The rear portion of the property has an existing driveway and the building aligns with the edge of that driveway so it's a nice clear path for someone to be able to drive straight into that garage separately and not have to be as impacted by loading truck docks and other vehicles that may be closer to that building. Mr. Rose asked Mr. Synek if we granted variances for the original stalls and Mr. Synek was not sure but Kevin Fink with Applied Medical Technology, stated the 9 X 18 stalls was code but has since changed. Mr. Collin asked how many additional sq. ft. will be added to the building footprint and Mr. Gray answered on the west side of the building and the east side is the office the total addition comes out to 115, 251 sq. ft.

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

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

MINUTES OF REGULAR MEETING

BRECKSVILLE BOARD OF ZONING APPEALS

RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL

September 11, 2023

Present: Gagliano, Hasman, Caruso, Hruba, Collin, McCrodden, Rose
Absent: None

APPROVAL OF THE REGULAR MEETING MINUTES OF September 11, 2023

Motion by Mr. Collin, seconded by Mr. McCrodden, to approve the Regular Meeting minutes of September 11, 2023, as recorded.

ROLL CALL: Ayes: Gagliano, Caruso, Hasman, Collin, McCrodden, Rose
Abstain; Hruby

MOTION CARRIED

APPEAL 2023-40 – Tabled Until November 13, 2023 Meeting

Mr. Caruso made a motion to table this appeal until they received the approval from the HOA, there was no discussion and all board members were in favor of tabling until the next meeting.

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

MOTION CARRIED

Appeal 2023-41

Peter Backer for Kevin Sears for a (1) variance from section 1151.24 from the minimum required 10 ft. side yard setback to allow 4.75 ft. and (2) a variance from 1151.24 minimum 125 ft. front yard setback to allow 115.16 ft. for the construction of an addition located at 5400 Valley Parkway, PP#603-17-026.

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

MOTION CARRIED

Appeal 2023-42

Jeffrey Mathys for (1) a variance from Section 1185.03(a) maximum fence height of 4 ft., to allow 6 ft. Located at 11535 Cherokee Lane, PP#602-11-032.

ROLL CALL: Ayes: None

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

MOTION DENIED

Appeal 2023-43

Applied Medical Technology (1) A variance from section 1157.29(d)(1) minimum 75 ft. rear setback required to allow 55.09 ft. for the construction of a building, and (2) a variance from section 1183.04(c) minimum parking stalls 10'x20' to allow 9'x18' for a parking lot expansion located at 8006 Katherine Blvd. PP#604-14-019.

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

MOTION CARRIED

REPORT OF COUNCILMEMBER CARUSO

Mr. Caruso reported the city has started picking up leaves and trash, the Service Director wanted us to remind everybody to make sure there is no debris that could damage the trucks, vehicles and equipment. Glenwood Trail is open it came out nicely, the sidewalk was added. We are moving forward with getting grant money that will allow us to run a multi-purpose trail connecting Valley Parkway to sidewalk on Oakes that connects to the signalized crosswalk, across from the new school and then connect to Glenwood. It's a major connectivity project that was initiated by our chair of Streets and Sidewalks in concert with our Mayor and the Administration.

REPORT OF MAYOR HRUBY

Mayor Hruby reported the Cuyahoga County Mayors Association has designated October 31st as the official Halloween so those of you going trick or treating it is from 6:00 o'clock to 8 o'clock.

Motion by Mr. Hasman, seconded by Mr. McCrodden to close the Regular Meeting at 8:38 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