

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
February 12, 2018**

Present: Hall, Hasman, Hrubby, Kingston, Rose

Absent: Roberts, McCrodden

Others: Building Inspector Synek, 12 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 2018-07

John Kosir for a variance from Section 1151.24 of 17.84 ft. from the minimum required 60 ft. rear yard setback to allow 42.16 for the construction of an addition located at 6633 Westview Drive, PP# 603-20-044.

Mr. Kosir spoke to the Board regarding his appeal. He stated that he would like to build an in-law suite for his mother-in-law who recently lost her husband. They proposed to build it on the west side of their home, and are requesting a rear yard variance of 17.84 ft. Mr. Kosir explained the scope of the project on the overhead screen. Mr. Kosir stated that he obtained signatures from several of his neighbors, i.e., Mark & Mary Paterra, 6637 Westview Drive, Jeffery Zmich, 6644 Westview Drive, Mark Unger, 6640 Westview Drive, Devin Sell, 6636 Westview Drive, John Salay, 6629 Westview Drive, and Gary & Michelle Williamson, 6441 Westview Drive.

Mr. Rose clarified with Mr. Kosir that he could not build an in-law suite and have usable space without what he was proposing. Mr. Kosir stated that was correct. He explained that he did not want to intrude on the side property lines, because he wanted to keep the space between the houses, so they went deeper towards the rear of the property. Mr. Rose clarified with Mr. Synek that the side yard setbacks are staying the same. Mr. Synek stated that was correct. Mr. Kosir explained that it will be a 1000 sq. ft. addition with a master suite, living room, kitchen, office, along with an attached garage. Mr. Rose asked if he had an estimate of the square footage she would lose if they had to adhere to the setback lines. Mr. Kosir stated that he did not have that figure. He stated that the only reason he would not want to do that, is because his mother-in-law gets claustrophobic, and that would condense the kitchen

and living room areas. She also needs an office because she is a record coder and currently works from home for hospitals. The bedroom is a normal 12x16 area. Mr. Kosir went on to explain that it is all being designed to be wheelchair accessible. They are doing this all now so that they will be able to take care of her in the future.

Mr. Rose stated that Mr. Kosir submitted letters from the neighbors, and asked if he talked to his neighbor directly behind him. Janice Townsley, 4558 Woodbridge Lane, was in the audience and stated that she did not know anything about it. Mr. Kosir explained that she was not at home to talk to last night. Mr. Kosir stated that he got signatures and talked to most of his neighbors with the exception of two. Mr. Rose asked Mr. Synek to show the elevations of the project on the screen. Mr. Kosir went on to explain the addition to Ms. Townsley. After Mr. Kosir's explanation, Mr. Rose asked her if she had any objections. Ms. Townsley stated that she had none, she just wasn't aware of what they were proposing to do.

Mr. Hasman asked Mr. Kosir, that when he talked with his architect about the plans, was there any thought to trying to stay within the setback lines. Mr. Kosir stated that yes there was. Originally they were within the setbacks, but his mother-in-law had requested the addition to be a little larger. They scaled it back on the side, because he could have gone another 5 ft. and made the addition go back to the rear to give her more of an open space. Mr. Hasman stated that the reason he asked was because their hardship seems to be more of a preference. He confirmed with Mr. Synek that the addition has a 10 ft. side yard setback. Mr. Synek stated that was correct.

Mayor Hruby asked Mr. Synek what the square footage of the addition was. Mr. Synek did not know. Mr. Kosir stated that it would be 1000 sq. ft.

Mr. Rose clarified that they decided to extend back to the rear with the addition so that he could keep the distances between the houses that are there now. Mr. Kosir stated that was correct. He explained that his neighbor to the left has plans to do some landscaping design in his yard, and he wanted to stay away from that. Mr. Rose wanted to know if Mr. Kosir was aware of the setback when he started the project or was he surprised. Mr. Kosir stated that he was surprised.

Mr. Hasman asked what the current square footage was of his home was. Mr. Kosir stated that it was 3200 sq. ft.

Mrs. Kristy Kosir spoke to the Board. She stated that the reason for a bigger house was for their aging parents to live with them. They have had grandparents that were in nursing homes and they decided when they got married that they did not want that for their parents. She did not think that they would have to make arrangements for her mother this soon, and that is why they are asking for the variance now. They want her mother close, because she is the only family her mother has in Ohio, both

of her sisters live out of town. They are making everything wheel chair accessible for the future.

Mr. Rose opened up questions to the audience, there were none.

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

APPEAL 2018-08

Kurt & Tina Zawacki for a variance from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate for a new single family dwelling located at 9304 Fitzwater Road, PP# 601-10-004.

Mr. Zawacki spoke to the Board regarding his appeal. Mr. Rose stated that his hardship was that he should not have to put in the sidewalks if there are no other sidewalks there. Mr. Zawacki stated that was correct. Mr. Rose explained that if or when the City deems appropriate to install them, he would have to install them at that time, and asked Mr. Zawacki if he agreed. Mr. Zawacki stated that he would.

Mr. Rose opened up questions to the audience, there were none.

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

APPEAL 2018-09

Prestige Homes for Gail Ann Glasgow for a variance from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate for a new single family dwelling located at 10077 Barr Road, PP# 604-13-020.

John Russell, Prestige Homes, spoke to the Board regarding his appeal. Mr. Rose stated that his hardship is that he should not have to put in the sidewalks if there are no other sidewalks there. Mr. Russell stated that was correct. Mr. Rose explained that if or when the City deems appropriate to install them, he would have to install them at that time, and asked Mr. Russell if he agreed. Mr. Russell stated that he would.

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

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

APPEAL 2018-10

ARP Heating & Air Conditioning for Steve & Freida Wolff for a variance from Section

1326.02 to install a generator on the side of the house instead of the rear as required by code located at 7275 Canyon Point Circle, PP# 605-11-030.

Andy Pech, ARP Heating & Air Conditioning, spoke to the Board. He stated that the reason for placing the generator in the side of the home was because the back yard drops off in the rear and is very steep. There is also a swimming pool, patio and landscaping that is in the rear, and there really is no where to put it. It will be on the side of the house, but tucked away behind a nook, and you won't be able to see it. There are a few air conditioning units there already. Mr. Pech stated that he took several pictures for the Board to see, Mr. Synek showed them on the overhead screen. Mr. Pech stated that the neighbor also has a generator.

Mr. Rose stated for the record that there was a letter submitted from their neighbor, Bernie and Heidi Karthan, 7271 Canyon Point Circle. They had no objection to the placement of the unit.

Mr. Rose opened up questions to the audience, there were none.

Motion by Mayor Hruby, seconded by Mr. Hall to close Public Hearing. **MOTION CARRIED**

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
February 12, 2018**

Present: Hall, Hasman, Hruby, Kingston, Rose

Absent: Roberts, McCrodden

Others: Building Inspector Synek, 12 guests

APPROVAL OF THE 2017 BOARD OF ZONING ANNUAL REPORT

Motion by Mayor Hruby seconded by Mr. Hasman to approve the 2017 Board of Zoning Annual Report as written.

ROLL CALL: Ayes: Hall, Hasman, Hruby, Kingston, Rose

Nays: None

MOTION CARRIED

APPROVAL OF THE REGULAR MEETING MINUTES OF JANUARY 8, 2018

Motion by Mayor Hruby, seconded by Mr. Mr. Hall to approve the Regular Meeting Minutes of January 8, 2018, as recorded.

ROLL CALL: Ayes: Hall, Hasman, Hruby, Kingston, Rose

Nays: None

MOTION CARRIED

Before proceeding with the vote, Mr. Rose explained to the audience that there are only five members present, and that they need four votes in order for the appeal to be passed on to City Council for approval. They had a right to table the appeal their appeal if they

wanted to wait until all seven members were present. Each appellant wanted to proceed with the vote.

APPEAL 2018-07

Motion by Mayor Hruby, seconded by, Mr. Kingston that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 of 17.84 ft. from the minimum required 60 ft. rear yard setback to allow 42.16 for the construction of an addition located at 6633 Westview Drive, PP# 603-20-044.

ROLL CALL: Ayes: Hall, Hasman, Hruby, Kingston, Rose
Nays: None

MOTION CARRIED

APPEAL 2018-08

Motion by Mr. Hall, seconded by Mayor Hruby, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate for a new single family dwelling located at 9304 Fitzwater Road, PP# 601-10-004.

ROLL CALL: Ayes: Kingston, Hall, Hasman, Hruby, Rose
Nays: None

MOTION CARRIED

APPEAL 2018-09

Motion by Mr. Hasman, seconded by Mr. Hall, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate for a new single family dwelling located at 10077 Barr Road, PP# 604-13-020.

ROLL CALL: Ayes: Hasman, Hruby, Kingston, Hall, Rose
Nays: None

MOTION CARRIED

APPEAL 2018-10

Motion by Mr. Hasman, seconded by Mr. Hall, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1326.02 to install a generator on the side of the house instead of the rear as required by code located at 7275 Canyon Point Circle, PP# 605-11-030.

ROLL CALL: Ayes: Hruby, Kingston, Hall, Hasman, Rose
Nays: None

MOTION CARRIED

REPORT OF COUNCILMEMBER ROSE

Mr. Rose reported that there will be a discussion about a potential change in the ordinance for solar panels. There have been a few that have come to the Board of Zoning in the past. He also reported that the City has taken over the VA Property and everyone looks forward to future developments.

REPORT OF MAYOR HRUBY

Mayor Hruby reported that the State of the City is on February 21, 2018 at 6:00 p.m. If anyone would like to attend and can't make that day there will be another one on February 20, 2018 at 2:00 at the Human Services gathering room. Mayor Hruby welcomed back Mr. Hasman, and appreciated all his work on the Board.

Motion by Mr. Hasman, seconded by Mr. Hall to close the Regular Meeting at 7:58 p.m.

MOTION CARRIED

THE BRECKSVILLE BOARD OF ZONING APPEALS

DENNIS ROSE, CHAIRMAN

KATHLEEN ROBERTS, VICE CHAIRMAN

BRUCE MCCRODDEN, SECRETARY