

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
May 7, 2018**

Present: Roberts, Hall, Hasman, Hruby, Kingston, McCrodden

Absent: Rose

Others: Building Inspector Synek, 5 guests

PUBLIC HEARINGS

Ms. Roberts took the place of Chair member in Mr. Rose's absence. She started the meeting with an explanation of the code, the job of the Board of Zoning Appeals Committee, and the process of appeal.

APPEAL 2018-19

Christopher and Connie Anselmo for a variance from Section 1151.25(d)(2)(c) of 384 sq. ft. from the maximum 240 sq. ft. to allowed 624 sq. ft. for the construction of a shed located at 8377 Riverview Road, PP# 602-26-006.

Chris and Connie Anselmo spoke to the Board regarding their appeal. Mr. Anselmo explained that they are requesting an appeal to make their shed larger than what the code allows. They have a five acre lot, and they have large equipment needed to care for their yard. They currently have a garage, but it is full of cars, because they have two college students. The proposed shed will be 624 ft. including the overhang with the porch.

Mayor Hruby asked Mr. and Mrs. Anselmo, when they went to select a size for the shed, did they realize they were asking for something three times the size that was allowed. Mr. Anselmo explained that they were unsure at the time if they were going to ask for a variance for a garage or a shed. To be code compliant, a garage cannot be larger than 660 sq. ft, and they were trying to stay under that. Mayor Hruby stated that if they wanted a garage they are under 660 sq. ft. and would not need a variance. Mrs. Anselmo stated that they did not want to install a hard surface driveway and that is why they called it a shed. Mr. Anselmo stated that they could either build it as a garage with no driveway or a larger shed, they left it up to the City. Mayor Hruby made the comment that they were quite a distance back from any other structures on the street. Mr. Anselmo agreed, stating they were approximately 300 ft. off the road.

Ms. Roberts wanted the record to reflect that the Board received a letter dated May 4, 2018, from the Cleveland MetroParks stating their approval and also their appreciation for the clarification of their project.

Ms. Roberts opened up questions to the audience. Katie Churchin, 8395 Riverview Road, spoke to the Board. She stated she is the Anselmo's next door neighbor. She stated that their proposed structure would be 10 ft. off their property line. She has a similar building that was built long ago, and felt it was very different back then, but times have changed. She asked the Anselmo's to explain their project and clarify whether the structure was two buildings or one. Ms. Churchin also wanted clarification on the pavilion. Mr. Anselmo stated that they did not need a variance for the pavilion and explained their project to her, stating that the shed's square footage included the porch. Ms. Churchin commented that it was a pretty big change from their perspective. She asked if they had planned to install any lighting on the shed. Mrs. Anselmo stated that they did not.

Mayor Hruby asked Ms. Churchin, what the two buildings were that she has adjacent to where they are proposing to build the shed. Mrs. Churchin stated that they only have a pool and a barn.

Ms. Roberts asked for clarification when they interchange the words porch and pavilion. Ms. Anselmo explained stated that the pavilion does not need a variance. Mr. Anselmo explained that the porch's square footage had to be included with the shed per the Building Department.

Mr. Hasman clarified with the Anselmo's that they were actually building two new structures. Mr. Anselmo stated that was correct, but that they only needed a variance for the shed. When they first submitted for the appeal, they were calling it a 26x24 garage, and they agreed to put it on record that they were not going to park cars in it, it would just be used for storage, and they offered an affidavit. It was either apply for a garage without a driveway, or apply for a larger shed.

Mr. Hall asked if the affidavit was already recorded, or were they proposing to do it. Mr. Anselmo stated that it was not, they would have done it, if it was necessary to get the garage variance.

Mr. Hasman asked if they had planned on doing any landscaping around the two new buildings. Mr. and Mrs. Anselmo stated that they were planning on landscaping. Mrs. Churchin stated the landscaping was not a concern for her. She stated that they bought some fast growing trees and planted them to try and screen their view.

Mrs. Anselmo stated that she submitted pictures, and that they plan to do stone around the shed to match the house. They want it to look nice because they have to look at it as well.

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

MOTION CARRIED

APPEAL 2018-20

John and Debbie Syrone for (1) a variance from Section 1151.29(a) that a maximum of one (1) garage is permitted (attached or detached) to allow the construction of a second garage (detached), and 2) a variance from Section 1151.26(1) requirement that a detached garage be located in the rear yard to allow in the side yard, and (3) a variance from Section 1151.26(1) that a detached garage be a minimum of 10 ft. from the rear property line to allow 5 ft, located at 7014 Arlington Street, PP# 601-34-093.

John and Debbie Syrone spoke to the Board regarding their appeal. Mrs. Syrone submitted letters she obtained from her neighbors, i.e., Paul & Mary Meler, 8977 Cedar Street, Kurt & Laurel Nicolay, 6962 Arlington Street, Jess Wilms, 8987 Cedar Street, Anthony Colello, 7002 Arlington Street, that were all in support of their project.

The Syrone's brought their presentation on a jump drive, but we were unable to open it on our computer. Since the pictures on the presentation were not available, Ms. Roberts asked them to walk the Board thru their presentation. Mr. Hall stated that the Board all visited the site as well. Ms. Roberts gave them the option to table, unless they were comfortable with going ahead. They stated that they would just go ahead and explain it without the pictures. Mr. Syrone stated that they pay taxes for 173 ft. of frontage on Arlington Street. Their proposal is to build a detached garage at the end of their driveway. There is an existing garage, but because of their hardship they cannot park a car underneath the garage in its current condition. Mrs. Syrone stated that they had a picture of the existing structure and it is very small. Mr. Syrone explained that if they complied with code and moved it to 10 ft. off the property line, the garage would come to the end of their railroad ties and if they do that, it cuts off accessing a portion of their property, and that is why they were asking for 5 ft. and went on to explain it on the overhead screen. Mrs. Syrone stated that they will still be storing equipment in the existing garage and would like access to it to pull things out. Mr. Syrone stated that they are proposing a 22x24 two car garage.

Mr. Hall asked if there was a reason they didn't move the whole garage to the right so that they would have access. Mr. Syrone stated that if they moved it further over onto the grass area, they potentially lose the availability of using their open space, and moving it would cut their view that they currently enjoy. Mrs. Syrone stated that they use the lawn quite a bit for family activities. They would like to maintain that space as family friendly space. Ms. Roberts stated that it was a very pleasant setting. Mr. Syrone stated that in addition to the two car garage they plan on re-landscaping with pavers that would blend with the front of the house to enhance their property value.

Mr. McCrodden stated that given the position of the car in the photograph, why wouldn't they build an extension onto the existing house rather than build a detached garage. Mr. Syrone stated that is was due to the cost, it would be approximately \$100,000.00. Mrs.

Syroney stated that they did consider it, but there are two hills on their property and it would be more expensive to cut into the hillside.

Mr. Hasman asked if the current garage would be used as a garage in addition to the new garage. Mr. Syroney stated no, there has never been a car parked there in 19 years, it is just too small of an area. Mr. Hasman asked if they were to move the proposed garage slightly to the right rather than moving it back towards the rear property line, would that be a hardship for them. Mrs. Syroney stated that it would cut into the greenery of the property. They are truly trying to stay on their driveway.

Mr. McCrodden stated that he had a concern about the rear dimension, and particularly in Old Towne, given the nature of the closeness of your neighbor. Mr. McCrodden was also concerned about the 5 ft. dimension, and mentioned that there seemed to be a large tree on the property line. Mr. Syroney showed the tree on the overhead screen and stated it is somewhat close, but it still would be close even if he moved it in other locations. Mr. McCrodden stated that if they moved the garage to the 10 ft. setback, and shifted it to the right, they wouldn't have to take the hill out to park in front of their existing garage door. Mr. Syroney stated that he understood Mr. McCrodden's concern, but as property owners there is a certain amount of effectiveness that they have in not wanting to go towards that side lot and lose the green space.

Mr. Kingston asked if the 5 ft. was a firm number for them, as far as the setback for the garage. Mrs. Syroney stated that she was hoping for 3 ft. Mr. Syroney stated that his property taxes reflect 173 ft. frontage on Arlington, and if that is considered frontage, is the back considered the rear of the property instead of the side. Mrs. Syroney stated that she did have other pictures of garages on Arlington that face the same direction. Mr. Kingston asked if they had thought about, and would it be possible, to angle the garage slightly, maybe that would free up some of the space in the corner. Mr. Kingston also had a concern about the tree, and how close they could build to it without damaging it. Mrs. Syroney wanted to stay with the look and integrity of the neighborhood, and the current garages she felt were very modern and nice, but would not match the dynamic of their house or the neighborhood. Mr. Syroney stated that part of the allure of the neighborhood is the century nature of the properties. They are trying to maintain the look of their 1853 home. The garage is meant to reflect the look of the existing home.

Ms. Roberts stated that she understood their frustration with respect to not being able to show their presentation. They took the time to do their homework and put a lot of effort into it so that they could convey it to the Board.

Mr. McCrodden clarified that there were architectural drawings of the garage on their jump drive. Mr. Syroney stated that they did not have the architectural designs yet, they wanted to wait to see if they would get their variance. Mr. McCrodden wanted to confirm

for the minutes that the architectural design is intended to match the architecture and color scheme of the house. Mr. and Mrs. Syrone stated that was correct.

Mr. Hall clarified with Mr. Synek that they would still need two of the three variances even if they moved the garage to the right as discussed. Mr. Synek stated that was correct. Mr. Hall also stated that the two garages, one at 8977 and the one directly across the street appeared to him to be even closer to the lot line than what they were requesting. The Syrone's stated that was correct, they may even be on the property line. Mr. Syrone stated that it is a unique neighborhood.

Ms. Roberts wanted to comment that she appreciated the Syrone's wanting to conserve the green space and the aesthetic of it.

Mr. McCrodden mentioned that when it came time for the vote, he suggested separating the vote into three separate appeals. Ms. Roberts agreed.

Mr. Hasman asked Mr. Synek if there were other properties in Old Towne that had two garages. Mr. Synek stated that he did a quick review for the Board, and in the last ten years there were two requests, and both were approved. Mr. Hasman confirmed with the Syrone's that they would landscape accordingly. Mrs. Syrone stated that they are looking forward to it. They looked into a bank loan already, and as part of it, would be doing the landscaping. Mr. Syrone stated that they live across from a school, and it is a big investment, one that they are willing to make, knowing that there is a vote tomorrow, with a potential that there will be no school in the future. They are willing to invest \$35,000 with the uncertainty of what will be across the street from them.

Ms. Roberts opened up questions to the audience, there were none.

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

MOTION CARRIED

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
May 7, 2018**

Present: Roberts, Hall, Hasman, Hruby, Kingston, McCrodden

Absent: Rose

Others: Building Inspector Synek, 5 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF APRIL 9, 2018

Motion by Mayor Hruby, seconded by Mr. McCrodden, to approve the Regular Meeting Minutes of April 9, 2018, as recorded.

ROLL CALL: Ayes: Hall, Hasman, Hruby, Kingston, McCrodden, Roberts
Nays: None

MOTION CARRIED

APPEAL 2018-19

Motion by Mayor Hruby, seconded by Mr. Hall, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.25(d)(2)(c) of 384 sq. ft. from the maximum 240 sq. ft. to allowed 624 sq. ft. for the construction of a shed located at 8377 Riverview Road, PP# 602-26-006.

ROLL CALL: Ayes: Hasman, Hruby, Kingston, McCrodden, Hall,
Roberts

Nays: None

MOTION CARRIED

Mr. McCrodden requested voting separately on each of the three variances.

APPEAL 2018-20

Motion by Mr. McCrodden, seconded by Mr. Hasman, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1151.29(a) that a maximum of one (1) garage is permitted (attached or detached) to allow the construction of a second garage (detached)

ROLL CALL: Ayes: Hall, Hasman, Kingston, McCrodden, Roberts
Abstain: Hruby
Nays: None
MOTION CARRIED

(2) a variance from Section 1151.26(1) requirement that a detached garage be located in the rear yard to allow in the side yard

ROLL CALL: Ayes: Hall, Hasman, Kingston, McCrodden, Roberts
Abstain: Hruby
Nays: None
MOTION CARRIED

(3) a variance from Section 1151.26(1) that a detached garage be a minimum of 10 ft. from the rear property line to allow 5 ft, located at 7014 Arlington Street, PP# 601-34-093.

ROLL CALL: Ayes: Hall, Roberts
Abstain: Hruby
Nays: Hasman, Kingston, McCrodden
MOTION DENIED

REPORT OF COUNCILMEMBER ROSE

Councilman Rose was not in attendance.

REPORT OF MAYOR HRUBY

The Mayor reported that the Memorial Day parade is taking place on May 28, 2018, and step off is at 9:00 a.m. Due to the construction they will be taking a different route this year. The Mayor hoped everyone could attend.

Motion by Mr. McCrodden, seconded by Mr. Hall to close the Regular Meeting at 8:16 p.m. **MOTION CARRIED**

THE BRECKSVILLE BOARD OF ZONING APPEALS

DENNIS ROSE, CHAIRMAN

KATHLEEN ROBERTS, VICE CHAIRMAN

BRUCE MCCRODDEN, SECRETARY

Public Hearing and Regular Meeting recorded by Gina Zdanowicz