

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
January 7, 2019**

ORGANIZATIONAL MEETING

Councilmember Rose opened the Organizational Meeting at 7:30 p.m.

Pledge of Allegiance

Mr. Rose opened up nominations for the position of **Chairman, Board of Zoning Appeals**. Mayor Hruby nominated Council member **Dennis Rose**, seconded by Mr. McCrodden.

Nomination was closed by Mayor Hruby, seconded by Mr. Kingston.

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

Mayor Hruby moved, Mr. McCrodden seconded, that **Dennis Rose** be elected **Chairman, Board of Zoning Appeals**.

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

Mr. Rose opened up nominations for the position of **Vice Chairman, Board of Zoning Appeals**. Mr. Hall nominated Kathy Roberts, seconded by Mr. Kingston.

Nomination was closed by Mayor Hruby, seconded by Mr. Kingston.

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

Mr. Hall moved, Mr. McCrodden seconded, that **Kathy Roberts** be elected **Vice Chairman, Board of Zoning Appeals**.

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

Mr. Rose opened up nominations for the position of **Secretary, Board of Zoning Appeals**. Ms. Roberts nominated **Bruce McCrodden**, seconded by Mayor Hruby.

Nomination was closed by Mayor Hruby, seconded by Mr. Hall.

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

Mayor Hruby moved, Ms. Roberts seconded, that **Bruce McCrodden** be elected **Secretary, Board of Zoning Appeals**.

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

**MINUTES OF PUBLIC HEARINGS
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Present: Roberts, Hall, Hruby, Kingston, McCrodden, Rose

Absent: Hasman

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 2019-01

Tony Stillings for (1) a variance from Section 1185.03(a) maximum fence height of 4 ft, to allow 5 ft. and (2) a variance from Section 1185.03(a) fences not allowed in the front yard, to allow a driveway gate to be installed in the front yard, located at 9416 Brecksville Road, PP# 603-16-015.

Zack Kitzmiller, Morel Landscaping, spoke to the Board regarding Mr. Stillings appeal. He explained that the home sits further back from the road, and you really can't see it from the street. The issue that his client is having, is people are driving up the driveway to the home, and turning around to get back onto Brecksville Road again. It has become a security and privacy issue for the homeowner. Mr. Kitzmiller stated that they have put together a plan for the homeowner to build a gate with decorative walls, and that would allow the owner to be notified when someone would approach the house. He showed some pictures on the overhead screen of what the gate would look like, and stated that it will be decorated with landscaping. The electronic gate will extend across the entire driveway, and will open up as a double gate. It will be approximately 32-34 ft. off the road, so there will be enough room for someone to pull in and back out again.

Mr. Rose asked Mr. Kitzmiller to clarify the height of the posts. Mr. Kitzmiller stated that the posts will be 5 ft. tall, and that the gate will probably be 4 ft. tall. Mr. Rose clarified, that the reason for the 5 ft. was decorative. Mr. Kitzmiller explained that the 5 ft. was standard. He stated he didn't know how high the gate would be, but to the top of the pillar it was 5 ft. Mr. Rose clarified that his hardship was the periodic traffic that was going up the driveway. Mr. Kitzmiller stated yes, and felt it was a safety issue as well, because you cannot see ahead if someone is coming down the driveway. He explained that not only are people coming up the driveway but they are driving right to the home, and showed the Board on the overhead screen.

Mr. McCrodden made the comment that he never knew there was a driveway there, and when he came to look at the property to review the appeal, he had trouble finding it, and actually passed it up, and had to turn around and come back. He stated that he was puzzled at the need for a security gate. Mr. Kitzmiller stated that the homeowner conveyed to them that there was an issue with people coming up to the home, and felt that a gate would solve the problem and deter it from happening in the future. Mr. Kitzmiller stated that he did not talk in depth with the owners, about the issue of why it may be happening, but they want their privacy and security.

Mayor Hruby asked Mr. Kitzmiller, if they considered putting up a sign that said "private drive". Mr. Kitzmiller stated that he didn't know, and wasn't sure if there was a sign there now. Mayor Hruby stated that he did not see one.

Ms. Roberts asked Mr. Synek if he had an idea for how many residential gates we have within the City limits. Mr. Synek stated that he didn't know. Ms. Roberts stated that she could think of three. Mr. Rose stated the same.

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

Motion by Ms. Roberts, seconded by Mr. McCrodden to close Public Hearing.

MOTION CARRIED

APPEAL 2019-02

Alexandra Fine Homes for Jeffrey & Jessica Scott for (1) a variance from Section 1181.11(a) maximum roof area over 30 ft. is limited to 10% of ground floor, to allow 39% and, (2) a variance from Section 1119.09(f) to enclose a chimney flu with a metal material instead of the

required brick, stone or simulated brick as required by code for a new single family dwelling, located at 5304 Valley Parkway, PP# 603-17-024.

Nestor Papageorge, Alexandra Fine Homes, spoke to the Board regarding the Scott's appeal. Mr. Rose started out by asking Mr. Synek if this was a terrain issue. Mr. Synek stated that the lot was relatively level. Mr. Rose asked to see the topographical survey. Mr. Papageorge stated that there was a 5 ft. drop left to right on the property. Mr. Rose stated that it is unknown how much the topography contributed to the height issue, and asked Mr. Nestor if the terrain was flat, what kind of variance would be needed. Mr. Papageorge stated that he did not know, and explained that part of it is the design and the pitches of the farmhouse style. He stated that it wouldn't look nearly as nice if it were a lesser pitch. He went on to state that it will be a gorgeous house, and was designed by an architect in Cleveland. He submitted a video of the house to the Board.

Mr. Hall stated that from what he understood on the drawings, it appeared that he was going to raise the existing grade. Mr. Papageorge stated that he was going to change the grade on the left side. Mr. Hall clarified that he was not grading it entirely across the property, it looked as though he was just trying to create some space for the basement. Mr. Papageorge stated that they are going to lift it, probably the percentage will be less when it's done. If they flattened it, there would have to be a retaining wall or something pretty severe to make up the difference. He explained it to him on the topographical survey. Mr. Hall confirmed with Mr. Papageorge that if he kept the finished grade uniform throughout, it would drop dramatically once it got past the house. Mr. Papageorge stated that was correct, it would be approximately 5 – 6 ft.

Mayor Hruby asked Mr. Synek to show the elevation drawing of the other houses around this property. Mr. Synek stated that he did not have the elevations of the other properties. Mayor Hruby explained to Mr. Papageorge, that he remembered him being at the Planning Commission meeting regarding the setback, and one of the reasons for the setback was to be in line with the other homes. Mr. Papageorge stated that it was an odd setup the way it was built, and he was trying to split the difference between the two. Mr. Papageorge stated that if he had to guess, a couple of those homes also exceeded the height limit as well. Mayor Hruby stated that the issue of the height and a variance did not come up during the Planning Commission discussions. Mayor Hruby asked if he had moved the house closer to the street would that have negated the need for a variance. Mr. Papageorge stated that he did not know. One house is more forward than the other and they are trying to keep privacy for both properties where the backyard wouldn't be in someone's front yard. Mayor Hruby stated that by the size of the house and the clearing that would have to be done, he would not be able to hide this house away. Mayor Hruby commented to Mr. Papageorge, that he was doing quite a bit of clearing. Mr. Papageorge stated that he was only going to clear as much as he needed to. The intent was not to clear cut the lot. Mayor Hruby stated that he was going to open up the area to the other two houses significantly, so his house won't be hidden away with the current foliage that is there now.

Mr. Papageorge stated that from Valley Parkway there was a buffer to the bike path that won't be touched. There is also a second buffer from the driveway. Mr. Papageorge stated that, you would however, see it from the side yards. Mayor Hruby stated that is what he was referring to.

Mr. Hall asked Mr. Papageorge what the roof pitch would need to be. Mr. Papageorge stated that he would have to come down quite a bit, and probably redesign the house.

Mr. McCrodden asked, relative to the height, if he had a sense of the comparison between the design height of this house and the neighboring houses. Mr. Papageorge stated that he didn't think to do that, but felt that they would be very similar.

The homeowner, Jeff Scott, stated that he was at the property looking at the trees that were marked and was talking to his neighbor, Kevin Pederson, 5100 Valley Parkway, about the meeting and the variance. Mr. Pederson told him that he would probably have the exact same issues, because it is a large house and has very tall peaks. Mr. Scott showed the Board on the overhead screen, along with explaining the buffer and the landscaping. He spoke with his neighbor regarding a joint effort on landscaping. He has also met some of the other neighbors and they were excited about the project.

Mr. Rose made the comment that the reason why the code is what it is, is the consideration of the character of the neighborhood. You have to look at a larger two story home going into an area where there are ranch homes. Mr. Rose asked Mr. Synek if the chimney was a safety issue in any way. Mr. Synek stated not that he was aware of, this was completely decorative and the Building Department made the ruling, that the intent of the ordinance is for it to look like a brick or stone chimney. Mr. Papageorge stated that they talked in length to the Building Department. It is not a chimney, it is an embellishment, it is architectural. They spent a lot of time on it in the design, and they are not cheap. It will be powder coated. Mr. Rose clarified that it was not a functional chimney. Mr. Papageorge stated that was correct.

Mr. Hall stated that the drawing showed a fireplace, and clarified with Mr. Papageorge that the metal chimney flue that he was requesting a variance for, was not attached to the fireplace, and had nothing to do with the request for a variance. Mr. Papageorge stated that was correct.

Mayor Hruby asked where the vent was located for the chimney for the fireplace, that they are installing. Mr. Papageorge stated that it will come out the side of the house, it is a direct vent or vent less. Mayor Hruby clarified that they will not be wood burning. Mr. Papageorge stated that they will not be. They didn't want to do a stone or brick chimney, it would take away from the look of the house.

Mr. McCrodden stated that from time to time they separate the variances and vote on them separately, and asked the homeowner and contractor if they had any objection if they were to do that. Mr. Papageorge stated that he would defer that to the Board.

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

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

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
January 7, 2019**

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

Absent: Hasman

Others: Building Inspector Synek, 4 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF DECEMBER 10, 2018

Motion by Mayor Hruby, seconded by Mr. McCrodden, to approve the Regular Meeting minutes of December 10, 2018, as recorded.

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

MOTION CARRIED

APPEAL 2019-01

Motion by Ms. Roberts, seconded by Mayor Hruby, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1185.03(a) maximum fence height of 4 ft, to allow 5 ft. and (2) a variance from Section 1185.03(a) fences not allowed in the front yard, to allow a driveway gate to be installed in the front yard, located at 9416 Brecksville Road, PP# 603-16-015.

ROLL CALL: Ayes: Roberts
Nays: Kingston, McCrodden, Hall, Hruby, Rose

MOTION DENIED

Before the vote on Appeal 2019-02, the Board split the appeal and voted separately on the two variances.

APPEAL 2019-02

Motion by Mr. McCrodden, seconded by Mayor Hruby, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1181.11(a) maximum roof area over 30 ft. is limited to 10% of ground floor, to allow 39%.

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

MOTION CARRIED

Motion by Mr. McCrodden, seconded by Mayor Hruby, that the Board of Zoning Appeals recommend to City Council approval for (2) a variance from Section 1119.09(f) to enclose

a chimney flu with a metal material instead of the required brick, stone or simulated brick as required by code for a new single family dwelling, located at 5304 Valley Parkway, PP# 603-17-024.

ROLL CALL: Ayes: Roberts, Hruby, Kingston, Rose
Nays: Hall, McCrodden

MOTION CARRIED

REPORT OF COUNCILMEMBER ROSE

Mr. Rose stated that City Council approved all the appeals from the December 10, 2018, Board of Zoning meeting. Mr. Rose also reported that at the January City Council meeting they reappointed Mr. McCrodden to the Board of Zoning Appeals. Mr. Rose commented that they were very pleased that he agreed to serve on the Board again. Mr. Rose stated that Mr. McCrodden has been a stalwart member, and a very thoughtful member of this Board as well. The city was lucky to have him.

REPORT OF MAYOR HRUBY

Mayor Hruby stated that he mirrored Mr. Rose's comments on Mr. McCrodden, and thanked him for doing a fine job. Mayor Hruby also reported that on January 21, 2019 at 7:00 p.m. there will be a public meeting to discuss the future of Central School, and propose a zoning use or uses for that property. There will be another public meeting on January 22, 2019 at 7:00 p.m. to discuss the new school and field house that will be constructed on the Blossom property. The purpose of the meeting is to primarily talk about the plans for the school and the traffic and its impact on the surrounding streets. Mayor Hruby also thanked everyone on the Board for their willingness to serve.

Motion by Mr. Hall, seconded by Ms. Roberts to close the Regular Meeting at 8:10 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