

**MINUTES OF PUBLIC HEARINGS  
BRECKSVILLE BOARD OF ZONING APPEALS  
Community Room – Brecksville City Hall  
April 8, 2019**

Present: Hasman, Hrubby, McCrodden, Kingston, Rose

Absent: Kathleen Roberts

Others: Building Inspector Synek, 15 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 2019-07**

John & Kathy Schindler for (1) a variance from Section 1151.25(d)(1) maximum 660 sq. ft., to allow 2448 sq. ft., and (2) a variance from Section 1181.11(b) 15 ft. maximum building height to allow 17.5 ft. height for the construction of a detached garage located at 8424 Whitewood Road, PP# 601-16-006.

John Schindler spoke to the Board regarding his appeal. Mr. Schindler stated that he was seeking a variance for a garage, mostly for the space, because he owns collector cars, and currently has them stored at various locations. He would like to have his collection of cars all in one location, and wanted to build something that would not be too obtrusive. He has a flag shaped property, and it will be located in the rear. Mr. Schindler stated that he owns almost 8 acres, and you will hardly be able to see it from the street.

Mr. Rose asked Mr. Schindler which other property he owned. Mr. Schindler showed him on the overhead screen that he owned the adjacent property. Mr. Rose asked if he had spoken with his neighbors about the variance. Mr. Schindler stated that he tried to get in touch with his neighbors to the rear, but was not able to get a hold of them, and left a message. He spoke with the Orosz's at 8418 Whitewood Road, and some of the neighbors across the street. Mr. Rose clarified with Mr. Schindler, that his hardship was to keep all his cars in one location. Mr. Schindler agreed, stating that 660 sq. ft. which is allowed by code, is just a two car garage. He went on to explain that he is going to have 13 ft. ceilings and two lifts with heated floors. Mr. Rose clarified with Mr. Synek, that if he built several garages on his property, that would be allowed. Mr. Synek stated that was correct, in just about every zoning district.

Mr. Hasman asked Mr. Schindler what reaction he has had from his neighbors. Mr. Schindler stated that they said to build it.

Mr. Rose clarified with Mr. Schindler, that the garage will have a hard surface drive to it. Mr. Schindler stated that it would have an asphalt drive back to a concrete pad.

Mr. McCrodden asked Mr. Schindler, when you look back at the property from his shed, there is a sloped area and a tree area, and asked, which area the garage would be located in. Mr. Schindler stated that it will be up on top where the tree area is. There is a valley behind it.

Mayor Hruby asked Mr. Schindler to show him where the driveway will be located. Mr. Schindler showed the Mayor on the overhead screen. He stated that because of the topography, four or five feet of the back wall of the building will have to be built into the hill to have a level pad coming out of the garage. There will be drainage there also. The height is misleading because of that.

Mr. McCrodden also asked how the square footage of 2448 compares to the square footage of his house. Mr. Schindler stated that his house was 3400 square feet. Mr. Schindler also explained that there is an overhang for sitting, so the garage itself, is roughly 2000 sq. ft.

Mayor Hruby asked if he planned on adding utilities to the building. Mr. Schindler stated that he was, he will be installing electric, gas, and water. Mayor Hruby asked about a sanitary sewer. Mr. Schindler stated that there will be a bathroom.

Mr. Rose clarified with Mr. Schindler, that the garage will not be used as a living space, just a garage. Mr. Schindler stated that was correct. Mr. Rose asked if there will be a second story. Mr. Schindler stated that it would just be an attic space for storage.

Mayor Hruby asked if Mr. Schindler did car repairs, and would be doing any spray painting, or using tools to maintenance cars. Mr. Schindler stated that he did not do repairs. He will just be working on his cars, changing wheels and oil. Mayor Hruby clarified with Mr. Schindler, that this should not be a threat regarding any noise. Mr. Schindler stated that was correct.

Mr. Rose asked what his plan was for water control, and keeping water away from his neighbors. Mr. Schindler stated that given the topography, the water run-off will go into the valley, and will be away from anyone else's property.

Mr. Rose opened up questions to the audience.

Monica Ferrazza, 4558 Hunting Valley Lane, spoke to the Board. She is the neighbor that lives behind Mr. Schindler. She stated that all the neighbors behind him did not know anything about his project. She stated that he never tried to contact her. Mr. Schindler explained that he tried reaching out to her, and left a message. Ms. Ferrazza stated that when they moved in, nothing would be built behind them, it was a nature preserve. She felt that this structure is as large as a house and can be seen from all the neighbor's backyards.

Mr. Rose clarified with Mr. Synek that there is no preserve or easement on Mr. Schindler's property. Mr. Synek stated that on this property there is not. There was

an area that was intended to be a walking path on the adjoining property. Ms. Ferrazza stated that it is a walking path and a nature preserve. When they built their home, they brought in their own arborist, and he wanted to cut down some trees to let other trees flourish. The people behind them on Whitewood threatened to sue them if they took down any trees in that area because of it being a nature preserve.

Diane Dillon, 8430 Whitewood Road, spoke to the Board. She stated that she is Mr. Schindler's next door neighbor. She stated that the structure will be entirely in her backyard blocking her view of the woods.

Mr. Kingston asked Mr. Schindler if he knew the distance from where the back of the garage would be to the back yard. Mr. Schindler stated that it was approximately 90 ft.

Ms. Dillon wanted to know the distance of the structure from her property line. Mr. Schindler stated approximately 20 ft. She stated that he wants to build a structure almost twice as big as her house. The homes on Whitewood Road are not large houses. Mr. Schindler explained that he was willing to plant some trees to screen it, so that it won't be as visible. He stated that he was trying to position it so that it would not be close to anyone's property line. Ms. Dillon asked if there was any spot that he could build on the property that he owned next to him. Mr. Schindler stated the terrain was not buildable. Ms. Dillon stated that she felt Mr. Schindler wants to build the garage, but did not have a hardship.

Mr. Rose explained that there is an area that is a preserve where nothing can be built there. He understood all the neighbors' concerns regarding their view, etc., but explained that this was still Mr. Schindler's property. Ms. Ferrazza asked how many feet away it was going to be from the walking trail. Mr. Schindler explained it on the overhead screen. Mr. Rose stated that it would be approximately 120 to 150 ft. away, and asked if Mr. Synek agreed. Mr. Synek agreed.

Mayor Hruby clarified with Mr. Synek that there were no restrictions on the back of Mr. Schindler's property. Mr. Synek stated that was correct. The Mayor stated there were just restrictions in the scenic easement area.

Mr. Rose explained to the neighbors, that Mr. Schindler would be able to build several code compliant garages on his property without coming to the Board for a variance.

Mr. Hasman asked Mr. Schindler what his fallback plan would be if this was denied. Mr. Schindler stated that he wasn't sure, he did not expect this much resistance. There are still a lot of trees that are there, they are trying to keep as many as possible, only having to cut approximately three trees. He was willing to work with them to screen it.

Mr. Rose stated that he understood the neighbors' concerns, it is a very large building, but again, this was in his backyard.

Mr. Hasman commented that if Mr. Schindler was building four garages in the rear, 660 sq. ft. each, they would not be having this conversation. He designed the building according to the space that he felt he needed with a nice looking building, and, although it is not what anyone would prefer, it was his property. Mr. Schindler stated that it was an alternative to building multiple structures.

The neighbors went on with several questions, comments, and suggestions, asking Mr. Schindler about storing the vehicles, relocating the garage, their backyard views, property values, etc. Mr. Schindler stated that he hoped they could compromise and try to find a way to make this work.

Motion by Mr. McCrodden, seconded by Mayor Hruby to close Public Hearing.

**MOTION CARRIED**

**APPEAL 2019-08**

Borowske Builders for Jonathan & Tracy Hicks for a variance from Section 1151.24 from the minimum required 60 ft. rear yard setback to allow 53 ft. for construction of an addition located at 4750 Sentinel Drive, PP# 604-02-021.

David Borowske, Borowske Builders, spoke to the Board. Mr. Borowske explained that the Hicks have a pretty dilapidated sunroom, and the concrete is settling towards the house. They have concern about some water issues they have been having. They would like it removed and rebuilt a little larger, approximately 2 more feet off the rear. The existing sunroom was already infringing on that rear yard setback, which he believed never had a permit.

Mr. Rose clarified with Mr. Borowske, that just to replace the addition, he would need a variance. Mr. Borowske stated that was correct, even if he were to build it in the same footprint.

Mr. Rose stated for the record, that the Board received an email from Timothy Riley, 9913 Tamarack Trail. He lives directly behind him, and supported the project.

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

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

**MOTION CARRIED**

**APPEAL 2019-09**

Brian Cress for (1) a variance from Section 1151.24 from the minimum required 125 ft. front setback to allow 121.5 ft., and (2) a variance from Section 1197.01, to appeal the

determination of the City Engineer of The City of Brecksville that a minimum of a 27 ft. driveway approach is required for a side entry garage to allow 22 ft. for the construction of a detached garage in the rear of a non-conforming house located at 9368 Brecksville Road, PP# 603-16-011.

Brian Cress spoke to the Board regarding his appeal. Mr. Cress stated that his house was built in 1943 and is across from Squire Ridge. His first variance is for the front yard setback. The reason why he is asking for a variance is because of the drainage, he showed the location of it on the overhead screen. He explained that he doesn't have standing water, but his concern is even if he encroaches 5 ft. beyond that, he will get into wet ground. By June, his immediate back yard starts to dry out completely.

Mr. Rose clarified that the request was so that he would not build the building in the drainage area. Mr. Cress stated that was correct. If you look at the property it is hard to detect the grading, but it is there. He stated that Mr. Grava's house, 9360 Brecksville Road, was built in 1989, and they had swales cut on either side of the house, and he needed it.

Mr. Rose asked about the second variance regarding the City Engineer's ruling. Mr. Cress explained that he has lived there 22 years, and didn't mean to debate the Engineer's ruling on having 27 ft. It would be ideal, but they have been pulling in that garage for 22 years and have had no issues with it. They always try to go out nose first onto Brecksville Road, and felt 22 ft. was adequate for them. Mr. Rose stated that his only other option was to push it back over on top of the patio and move the garage back. Mr. Cress stated that the farther back he goes, he will start taking away from his stone patio there. Mr. Rose asked Mr. Cress, when he pulls into his existing garage, does he stay on his property. Mr. Cress stated that he did. Mr. Rose explained that one of the concerns, was that he would have to go onto his neighbor's property to pull in. Mr. Cress stated that he doesn't, the 27 ft. would be ideal, but he has had no problem with the 22 ft., it has been adequate. Mr. Rose asked Mr. Synek if there was any history on the existing garage. Mr. Synek stated, not that he was aware of.

Mr. McCrodden asked Mr. Synek if he knew the basis of the City Engineer's recommendation of 27 ft., was it for safety or convenience. Mr. Synek stated that it was for true usability. Mr. McCrodden clarified that the 27 ft. was for the user not the neighbor. Mr. Synek stated that was correct. The 27 ft. is composed of 24 ft. of driveway, and driveways being 3 ft. from the property line, and that is why it is 27 ft. for side entry.

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

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

**APPEAL 2019-10**

Chris & Lauren Piscitello for (1) a variance from Section 1151.24 a minimum 30 ft. total side yards to allow 20 ft., and (2) a variance from Section 1151.24 from the minimum required 60 ft. rear yard setback to allow 40 ft. 4 in. for construction of additions on a non-conforming house located at 8736 Riverview Road, PP# 602-14-010.

Chris Piscitello spoke to the Board regarding his appeal. He stated that he moved to Brecksville a year and a half ago. They love the house and the location, but they just need a little more house, and are looking to add on to it. Their hardship is that their lot is long and narrow. The lot is 500 ft. long and 97 feet wide at the street and tapers to 85 ft. in the rear. With the addition, they are looking to add an additional 5 ft. to the north, on the side of his neighbor, Robert Bizjak, and it will be facing his garage. Mr. Piscitello explained that he also wants to add an addition on the back. He stated that they are surrounded by good neighbors, and the only one that would be affected, was Mr. Bizjak, and he had no objections to it.

Mr. Rose stated that it was a challenge to add on to this house. Mr. Piscitello stated that it is, he is limited with the topography. Their original plan was to go in front of the house, with the additions, but after talking to the architect their proposed location was the best.

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

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

**MOTION CARRIED**

**APPEAL 2019-11**

Brett & Laura Kemp for (1) a variance from Section 1185.03(a), maximum fence height of 4 ft. to allow a 6 ft. fence height, and (2) a variance from Section 1185.02(d) to install a solid board type fence instead of the permitted types of fence located at 7802 Fitzwater Road, PP# 601-09-008.

Laura Kemp spoke to the Board regarding her appeal. She stated that her request for a fence was because the back of her property butts up to a parking lot area for the Brecksville Commons. Ms. Kemp explained that Brecksville Commons have a few security lights in their parking lot, and one shines directly into their master bedroom, due to the elevation of their house. She stated there is currently a wrought iron fence there, approximately 3 ft., and judging from that, they decided on a 6 ft. fence.

Mr. Rose asked if she was sure the 6 ft. fence would solve their problem. Ms. Kemp stated that she didn't know, she was hoping that it would. She stated that her architect questioned whether the 6 ft. height would solve it, and would give them the privacy that they were looking for. He definitely said the 4 ft. height would not work, because of the elevation of their home. The other issue they are having is their family room has a glass wall of sliding doors, and it lines up to the entrance of the medical building. You can see directly into the house, and they have to keep their blinds closed. She will have her second child soon, and has two dogs. She stated that the neighbor at 7906 has an existing

6 ft. fence that they installed in 1993, and they have agreed to take it down if her variance was approved. She showed the Board the location of the fence on the overhead screen. Mr. Rose asked other than the existing issue, is there a necessity for a 6 ft. fence to keep their dogs in their yard. She stated maybe not anymore, because her dogs are older. She felt that her female lab would definitely have jumped the 4 ft. fence in her younger days. She showed the location of the existing 6 ft. fence, and showed him on the overhead screen the sections left to cover.

Mr. McCrodden stated that the neighbor at 7510 was granted a variance for a 6 ft. Board on Board fence, which was code compliant, with the same rationale as she had, and wondered if she had a chance to talk to them regarding the Board on Board vs. a Solid Board type of fencing. Ms. Kemp stated that she did not talk to them about the type of fencing, but one of her father's neighbors have a Board on Board, and already knew that because of the elevation and angle, that you can see straight thru it. She was worried about the lighting that they were trying to block, so she didn't pursue the Board on Board type of fence.

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

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

**MOTION CARRIED**

**MINUTES OF REGULAR MEETING  
BRECKSVILLE BOARD OF ZONING APPEALS  
Community Room – Brecksville City Hall  
April 8, 2019**

Present: Hasman, Hruby, McCrodden, Kingston, Rose

Absent: Kathleen Roberts

Others: Building Inspector Synek, 15 guests

**APPROVAL OF THE 2018 BOARD OF ZONING ANNUAL REPORT**

Motion by Mr. Rose, seconded by Mayor Hruby to approve the 2018 Board of Zoning Annual Report as written.

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

Nays: None

**MOTION CARRIED**

**APPROVAL OF THE REGULAR MEETING MINUTES OF FEBRUARY 11, 2019**

Motion by Mr. Hasman, seconded by Mayor Hruby to approve the Regular Meeting Minutes of February 11, 2019, as recorded.

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

Nays: None

**MOTION CARRIED**

**APPEAL 2019-07**

Before the vote, Mr. Synek brought up the option to table the appeal due to less Board Members in attendance. Mayor Hruby asked Mr. Schindler if had given some consideration to tabling the appeal until next month's meeting. After a discussion with the Board, Mr. Schindler, decided to table the appeal to try and work out a solution that everyone would be happy with.

Motion by Mayor Hruby, seconded by Mr. McCrodden, that the Board of Zoning Appeals table the approval for (1) a variance from Section 1151.25(d)(1) maximum 660 sq. ft., to allow 2448 sq. ft., and (2) a variance from Section 1181.11(b) 15 ft. maximum building height to allow 17.5 ft. height for the construction of a detached garage located at 8424 Whitewood Road, PP# 601-16-006.

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

Nays: None

**MOTION TABLED**

**APPEAL 2019-08**

Motion by Mr. Hasman, seconded by Mr. Kingston, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 from the minimum required 60 ft. rear yard setback to allow 53 ft. for construction of an addition located at 4750 Sentinel Drive, PP# 604-02-021

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

Nays: None

**MOTION CARRIED**

**APPEAL 2019-09**

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 1151.24 from the minimum required 125 ft. front setback to allow 121.5 ft., and (2) a variance from Section 1197.01, to appeal the determination of the City Engineer of The City of Brecksville that a minimum of a 27 ft. driveway approach is required for a side entry garage to allow 22 ft. for the construction of a detached garage in the rear of a non-conforming house located at 9368 Brecksville Road, PP# 603-16-011.

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

Nays: None

**MOTION CARRIED**

**APPEAL 2019-10**

Motion by Mr. Kingston, seconded by Mr. McCrodden, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1151.24 a minimum 30 ft. total side yards to allow 20 ft., and (2) a variance from Section 1151.24 from the minimum required 60 ft. rear yard setback to allow 40 ft. 4 in. for construction of additions on a non-conforming house located at 8736 Riverview Road, PP# 602-14-010.

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

Nays: None

**MOTION CARRIED**

**APPEAL 2019-11**

Motion by Mr. Hasman, seconded by Mr. Kingston, 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 a 6 ft. fence height, and (2) a variance from Section 1185.02(d) to install a solid board type fence instead of the permitted types of fence located at 7802 Fitzwater Road, PP# 601-09-008.

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

Nays: None

**MOTION CARRIED**

**REPORT OF COUNCILMEMBER ROSE**

Mr. Rose reported that they will consider tonight's appeals at the City Council meeting next week, on April 16, 2019.

**REPORT OF MAYOR HRUBY**

No Report.

Motion by Mr. Hasman, seconded by Mr. McCrodden, to close the Regular Meeting at 8:28 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