

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
December 9, 2019**

Present: Hasman, Hruby, Kingston, McCrodden, Rose

Absent: Roberts

Others: Building Inspector Synek, 11 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 2019-40

John Bailey for Tyler & Mariah Bailey for a variance from Section 1151.26(2) that a shed be a minimum of 10 ft. from the side property line to allow 6 ft. located at 8666 Wiese Road, PP# 601-27-005.

Mr. John Bailey spoke to the Board on behalf of the owners. He stated that he was speaking on behalf of his son, because he was out of town, but his daughter in law was present. Mr. Bailey explained that the property was laid out as such, that it sloped to a ravine. They wanted to use the proposed structure for a tractor and some other things. He stated if they would move the shed any closer, it would be in the way of the driveway. Mr. Bailey went on to state that they won't be taking down any trees, just some ground brush. He showed the Board the location on the overhead screen.

Mr. Rose asked if they had spoken with their neighbors regarding the project. Mr. Bailey stated that they have not.

Mr. McCrodden asked if the markings that were on the property were his property line. Mr. Bailey stated that it was, they had a survey done, and they also had four stakes where the shed would be located. Mr. Bailey stated that they had planned on planting a row of arborvitae in between the houses to add some privacy.

Mr. Hasman stated that it was a very nice looking building, and wanted to confirm, that if they moved the shed 4 ft. to the south, would they be on top of the driveway. Mr. Bailey stated that was correct, it would actually be in the driveway. The little bit of land behind the driveway really slopes off, and would not be very aesthetically pleasing in that location.

Mr. Rose opened up questions to the audience.

John & Jennifer Karaffa, 8656 Wiese Road, spoke to the Board. They stated they lived on the side where the proposed shed would be located. Mrs. Karaffa stated as next door neighbors, they take issue with the location of the shed. They felt it would be too close to the property line. They are aware that code states it should be a minimum of 10 ft. from the property line. They are concerned with the gas powered equipment that would be stored in the shed, and felt that it was not unreasonable to meet that 10 ft. side yard setback. Mr. Karaffa stated that he was good friends with the prior neighbors, and stated there is a place where there is flat area on the Bailey's property, to set the shed farther down, and it would not impact the driveway. If they put it in the location they are asking for, it would impede their view. Mrs. Karaffa felt that they did not have a hardship.

Mr. Rose asked to see the topo, Mr. Karaffa showed it to him and explained the location on the drawing.

Mrs. Karaffa asked the square footage of the proposed shed. Mr. Rose stated that it was 10x16. Mr. Karaffa felt that if it was farther back in the property, it would not impact them as much. He stated that there was a row of spruce trees between the properties, and Mr. Bailey, not being the owner, had a tree company come and cut the trees down. He also pruned 30 ft. off of their trees on his side. He questioned the fact the John Bailey was not the homeowner, but has been acting as their contractor, paying many people to come and do work. The neighbor sited other issues of work being done at the home that were not related to this variance, Mr. Rose explained that those issues were unrelated to the variance, and they could make a complaint to the Building Department. Mr. Karaffa stated that the shed was oversized, and would be blocking a huge view of their property. Mr. Rose stated that the size is code compliant and was not the issue. Mr. Rose also reminded them that Mr. Bailey could move the shed 4 more ft. onto the driveway and it would be code compliant.

Cindy Eisenmann, 8667 Wiese Road, spoke to the Board. She stated that the Karaffa's were wonderful neighbors. She has lived in the neighborhood for 36 years. She stated, as a resident, she never had any problems on the street. She went on to state that when she asked the City for certain things to be done with a shed and her fence, she was turned down. She stated that she lived across the street on an angle, and the shed may be an eyesore for her. She stated that the Karaffa's have two small children, and they play in that area where the shed is proposed. With tractors, etc., holding gas, she would be afraid of having her children play there too. She stated they have a huge lot, and could move it.

Mr. Rose stated that it is a fairly large parcel and asked about the location the neighbors were speaking of. Mr. Bailey stated that there is a spot where the driveway is level, but then starts to slope, there really isn't any other place where it would work. Mr. Bailey stated that it was his understanding that he could build a structure up to 240 sq. ft., and maybe they can work out a different configuration on

the shed without having to get a variance. Mr. Rose stated that finding a way to do it without a variance, would be the best solution.

Mr. Kingston asked exactly how far away from the driveway would the proposed shed be. Mr. Bailey stated that it would be 18" from the asphalt.

Mr. Hasman asked Mr. Bailey if they could regrade the property to accommodate the shed, he stated that he was there and it didn't look like there was that much of a drop off until you get much further back. Mr. Bailey stated that they wouldn't place a shed there, it would ruin the look of the backyard.

Mrs. Karaffa wanted to make another comment, and stated that there is room in the rear of the property for the shed, and why not put it on the grassy area, so it is not in the side yard.

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

MOTION CARRIED

APPEAL 2019-41

TDA Architecture for The City of Brecksville/Brecksville Broadview Heights City School District for (1) a variance from Section 1181.11(a) maximum roof area over 30 ft. is limited to 10% of ground floor area to allow 26%, and ~~(2) a variance from Section 1183.05 from the requirement of 389 parking spaces to allow 385 parking spaces,~~ and (3) a variance from Section 1183.04(c) requirement that parking spaces be 10'x20' to allow parking spaces that are 9'x18' for the construction of a new Elementary School located at 3500 Oakes Road, PP# 603-09-004.

Before the discussion, Mr. Rose confirmed with Mr. Synek, that the second variance, for the number of parking spaces, was removed, after further review of the total number of employees on the site at any one time.

Ryan Schmit, TDA Architecture, spoke to the Board. Mr. Schmit explained the variance for height. He stated that the building is 155,000 sq. ft. on ground level, along with a second floor over a portion of the building. He pointed out the gable areas of the roof that would give it a more residential feel instead of institutional. The biggest part, was the fieldhouse. It has a restricted use, and has height requirements from the State of Ohio, as well as national standards for educational play. They did put the fieldhouse in a specific location, which was on the back of the building. They are hundreds of feet away from the street and 1000 ft. from Valley Parkway. Mr. Schmit stated that it was a deliberate attempt to try and hide it, while still maintaining a certain entry element. Without a variance, the fieldhouse would be very difficult to make possible.

Mr. Rose asked Mr. Synek to display the elevations of the building on the overhead screen. Mr. Schmit went on to explain, that a lot of times with construction, you have metal buildings and large beams that you mount the basketball equipment to below. They have actually pushed a lot of it up into the beam spaces to provide an even lower

building, and to try and keep the elevation down as much as possible. Mr. Rose asked to see what it will look like when it is done. Mr. Schmit showed renderings of the building to the Board as well as the audience, and explained the layout.

Mr. Rose opened up questions to the audience.

Ann Koepke, 6753 Mallard Drive, spoke. She asked if Mr. Schmit could show them the location of the where they are trying to lower the roof. Mr. Schmit explained it to her.

Christine Sorna, 3311 Oakes Road, spoke. She wanted to know about the buffer area between her and the school. Ms. Sorna stated she lived right across the street from it, and wanted to know if the school will be in plain site and if they were cutting all of the woods down. Mr. Schmit stated that they are not, and explained the buffer area from the street.

Ms. Koepke wanted the written variance explained to her regarding the lowering of the roof and allowing less of a percentage. Mr. Schmit explained the maximum roof area over 30 ft. / percentage rule, they exceed the 10% because of the fieldhouse. Ms. Koepke stated that she wasn't opposing it, she just wanted clarification.

Mr. Rose clarified that basically they have done everything they can inside, and going as low as they can. Mr. Schmit stated that was correct.

Mr. Schmit went on to explain the parking. Based on state standards for just school use alone, they would need 240 spaces, which isn't just the school. They also have the fieldhouse associated with it, and based on our zoning code, they now comply. With regard to the size of the parking spaces, there is a site that has a large ravine as well as wetlands, and Mr. Schmit showed them on the overhead screen. They are high quality wetlands which will not be disturbed, except for one access off of Valley Parkway, which will be used for buses and safety security vehicles. Each square foot that they build will require additional surface and they are trying to minimize that as much as possible.

Mr. Rose clarified that he can't extend parking into the wetlands so they are limited by their space for the building. Mr. Schmit stated that was correct. Those wetlands cannot be touched. There are some areas on the property that are less substantial. The other thing you run up against is as your approaching the wetlands, it is not just going up to the wetland area, you have grading, and the impact of cutting down adjacent trees that lead up to the wetlands. Mr. Rose confirmed that all the spaces will be 9x18. Mr. Schmit said some of them are 9x20, but the rest will be 9x18.

Mr. Kingston asked how many additional spots do they gain in total by making them smaller than what code allows. Mr. Schmit stated that if they went to the 10x20 spaces, they would loose approximately 48 to 50 spaces.

Mr. Hasman asked how wide a typical parking space was. Mr. Schmit stated that it depends on the location. He does a lot of 9x18, 9x20 spaces at schools.

Mr. Rose stated just for reference, the Heinens parking lot had the same parking variance. The Mayor stated that was correct.

Mayor Hruby asked Mr. Schmit, on the parking lot to the far west, where the children will use it as their playground, how many spaces were there. Mr. Schmit stated that it will be approximately 100 spaces. The Mayor clarified that it is not intended to be utilized except when there is an event or the fieldhouse is use by the City. Mr. Schmit stated that was correct. Mr. Rose clarified that it will be used for overflow, and during the day for buses. Mr. Schmit stated that it will be used for buses only in the morning and the end of the day. There will be gates that will be closed for playground use during the day, no parking.

Ann Koepke stated that she had a hard time with the smaller parking spaces because of driving larger SUV's, and children getting in and out of them with their backpacks. She asked if they looked at changing the parking to angled spaces, and asked if it would give them more parking space. Mr. Schmit stated that with cars, when backing out on an angle it is more challenging, and they rarely do it with schools. She asked if there was enough width on the driveway. Mr. Schmit indicated they meet design standards. Pick up and drop off are curb side.

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
December 9, 2019**

Present: Hasman, Hruby, Kingston, McCrodden, Rose

Absent: Roberts

Others: Building Inspector Synek, 11 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF NOVEMBER 11, 2019

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

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

MOTION CARRIED

APPROVAL OF THE 2020 BOARD OF ZONING CALENDAR

Motion by Mr. McCrodden, seconded by Mr. Hasman to approve the 2020 Board of Zoning Calendar as submitted.

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

MOTION CARRIED

APPEAL 2019-40

Motion by Mr. Kingston, seconded by Mayor Hruby, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.26(2) that a shed be a minimum of 10 ft. from the side property line to allow 6 ft. located at 8666 Wiese Road, PP# 601-27-005.

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

MOTION DENIED

APPEAL 2019-41

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 area to allow 26%, and ~~(2) a variance from Section 1183.05 from the requirement of 389 parking spaces to allow 385 parking spaces~~, and (3) a variance from Section 1183.04(c) requirement that parking spaces be 10'x20' to allow parking spaces that are 9'x18' for the construction of a new Elementary School located at 3500 Oakes Road, PP# 603-09-004.

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

MOTION CARRIED

REPORT OF COUNCILMEMBER ROSE

Mr. Rose reported that all the recommended variances were approved by City Council at the last City Council meeting. He wished everyone a Merry Christmas.

REPORT OF MAYOR HRUBY

Mayor Hruby thanked Mr. Rose for his service on the Board, he stated that he did an outstanding job. Mayor Hruby stated that Mr. Rose asked to come back to serve on the Board next year, and hoped that Council will have him return. The Mayor wished everyone a Merry Christmas. On January 2, 2020, the Oath of Office will be held for City Council and Mayor. The appointments for the various Boards and Commissions, will be considered at the Organizational Meeting of City Council. The Inaugural Ball will be held on January 11, 2020, and if anyone is interested in attending, you can contact the Mayor's Office.

Motion by Mr. Hasman, seconded by Mayor Hruby, to close the Regular Meeting at 8:20 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