

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
March 9, 2020**

Present: Roberts, Caruso, Hasman, Kingston, Rose

Absent: Hruby, McCrodden

Others: Building Inspector Synek, 5 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 2020-07

Jeanette Luli for a variance from Section 1151.22 minimum required 150 ft. lot width to allow 111 feet for Parcel A, and 104 feet for Parcel A-1 for a lot split located at 4311 Oakes Road, PP# 603-02-006.

Tim & Jeanette Luli spoke to the Board regarding their appeal. Mr. Luli explained that there is a parcel that Jeanette's mother owned at 4311 Oakes Road. Initially the lot was two parcels, and Jeanette's father decided to turn it back into one parcel. They have now decided to bring it back to two parcels. Jeanette's sister owns and lives at 4319 Oakes Road, and the other side is a ravine. They have talked to the people in the back over the years and they are supportive of their project. They want to split the parcel back close to where it was from the beginning. They made it 104 ft. instead of 100, so that it would be slightly different then in the past. With the school going in across the street, it would provide another parcel available for someone to build in the City. Mr. Luli stated that they looked at the setback of the other parcels on Oakes Road, and out of twenty parcels, seventeen of them have a 100 ft. widths. That seemed to be the precedence in the past.

Mr. Rose commended them on doing the research on the neighborhood widths.

Mr. Hasman stated that as he read through the submitted documents, and saw that their hardship was the fact that they couldn't sell the property, and the taxes were high. Ms. Luli stated that was correct. They had the property up for sale for over a year, and with the amount of land, no one was interested. She heard several comments that there was too much land to take care of. It is a small brick ranch with 2.3 acres.

Mr. Rose asked Mr. Synek if he was aware when the consolidation happened. Mr. Synek stated that he did not know. Mrs. Luli stated that it was approximately in the early to mid-1980's.

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

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

MOTION CARRIED

APPEAL 2020-08

TDA Architecture for The City of Brecksville/Brecksville Broadview Heights City School District for the following – (Parcel A School) (1) a variance from the Section 1153.32 minimum 50 ft. rear yard building setback required to allow 0 ft. and (2) a variance from the Section 1153.32 minimum 50 ft. side yard building setback required to allow 42.55 ft., and (3) a variance from Section 1153.32 minimum 15 ft. side yard setback required to allow 10.18 ft. for a dumpster enclosure, and (4) a variance from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate, and (Parcel B Field House) (1) a variance from the Section 1153.32 minimum 25 ft. rear yard building setback required to allow 0 ft., and (2) a variance from the Section 1113.14(c) requirements that zoning lots abut dedicated streets to allow a parcel that does not abut a dedicated street – as parts of a lot split for the construction of a new Elementary School and Field House located at 3500 Oakes Road, PP# 603-09-004.

Ryan Schmidt, TDA Architecture spoke to the Board. Mr. Schmidt explained that there is one large parcel, and the agreement between the City and the school, was a lot size of 25 acres, which would be carved out and transferred to the school. In doing so, the Field House portion of the building, which is located to the south, is going to remain on City property. The portion to the north will be owned by the school. Everything else around the outside, that is part of the site improvements, would be part of a joint use agreement where there is equal maintenance, i.e. roads and utilities. Mr. Schmidt went on to explain the variances, and referred to the drawings on the overhead screen. The variances with the 0 lot line stemmed from the fact that the two buildings are essentially connected. The two buildings work together and share spaces such as bathrooms, and the gym. The hardship is, if you separate them, you would lose the synergy between the two buildings, and their ability to work together. Mr. Schmidt stated with regard to the setbacks, they are trying to maintain as much of a cohesive section of the parking area associated with the City's portion. That is where they get the setback from the dumpster and the back of the building. The parking is shared at that location as well. The dedicated access lane, the portion of the site that the City is maintaining, does not have a connection to Oakes Road. There is a deep ravine there, and Mr. Schmidt showed the entrance that the school was taking. He explained that connection road, which already exists, will be coming down to Valley Parkway, and has been part of an ongoing discussion with the Metropark system. Long term, it provides a few access points to the site and the crossroad, so if there is ever an emergency, you have three access ways. The hardship with that variance, is that there really is no logistical way to get that secondary drive up to Oakes Road.

Mr. Rose asked if the Field House had its own dedicated driveway, and commented that is the problem, they cannot share the drive. Mr. Schmidt stated that was correct, the reason for that, is because it is still on City property.

Mr. Caruso asked Mr. Schmidt, if that road, during school hours, will be dedicated to the buses. Mr. Schmidt stated that was correct. Most of the time their primary access points will be from the north, and there will be traffic improvements for that intersection. He showed the Board the road on the overhead screen that they will use for bus traffic in the morning, and during the day. It will

always be opened for safety services, and there will be a gate there to close it off so that people can't randomly access it.

Mr. Rose asked if the City had an easement for the school's drive. Mr. Schmidt stated that was all a part of the joint use agreement. There is a shared ingress/egress portion. Mr. Rose stated that doesn't take care of the need for variances as long as they have access because they have a section of the easement. Mr. Schmidt stated that it was a parameter that the City wanted to pursue. Mr. Rose asked Mr. Schmidt how the setback line was established. Mr. Schmidt explained it on the overhead screen, stating they wanted to maintain as much parking as they could. Mr. Rose clarified that if they changed it, they would still need a set of different variances. Mr. Schmidt stated that was correct. Mr. Rose clarified that the need for the rear variances for both buildings is because the front of the Field House is on Valley Parkway. Mr. Schmidt stated that was correct. If they were trying to use an address off of Oakes Road for the Field House, they would need a driveway.

Mr. Schmidt went on to explain the sidewalk variance. He stated that it has been a topic of great discussion. There are no sidewalks on either side of the property. If it reaches a point where sidewalks do go in on Oakes Road, they would go forward with it. To just arbitrarily install sidewalks that don't lead to anywhere, is viewed as a safety concern, you are essentially taking people somewhere and dumping them out to a location where there is nowhere for them to go. They felt it better and safer to not have that 100-200 ft. stretch of sidewalk across the property.

Mr. Rose stated that there was talk about getting grants for sidewalks, and asked Mr. Caruso if he knew the status on that. Mr. Caruso stated that was more a question for Mr. Carouse, but nothing has been discussed in the Committee of the Whole that would indicate there were any immediate plans to install sidewalks on Oakes Road. Mr. Caruso stated that he knew it was a hot topic in our community, but to install sidewalks to nowhere would encourage young children to walk on a high traffic street, and felt it is a safety issue that they should avoid.

Mr. Schmidt explained that the school is always looking for grants as well. Part of the problem with obtaining a grant, is they want you to show them the project before they will offer you a grant, and they essentially do not have anything yet, nothing is built. He felt that as long as the City owns the property, it will be something they will pursue, because they work to promote that walk to school wherever they can.

Mr. Caruso asked Mr. Schmidt if any representatives from The City of Broadview Heights have talked about potentially installing sidewalks on Oakes Road. Mr. Schmidt stated that they have not discussed it at all.

Mr. Rose asked Mr. Schmidt to explain the other side yard. Mr. Schmidt stated it was the same situation, and showed him on the overhead screen. The building houses mechanical equipment that has a shared use, and re-emphasized the fact that the two buildings are integrated, although the structures themselves, from a code standpoint, are separate.

Mr. Caruso clarified with Mr. Schmidt, that aesthetically the equipment location in the back makes a lot more sense. Mr. Schmidt stated that was correct.

Mr. Hasman asked if there has been any concern from the nearby neighbors. Mr. Schmidt stated there has not, the biggest concern was the traffic, which is obvious, bringing a school to the area. They went through extensive traffic studies and the City hired an independent consultant to do the traffic study. That was the biggest concern, and they are following all the recommendations. Mr. Hasman stated that the Board received a copy of a letter from the Cleveland Metroparks, regarding deed restrictions, and he wanted to be certain that he saw the same letter that the Board received, and there are in fact, no issues. Mr. Schmidt stated that there are no issues, he showed Mr. Hasman the setbacks that the letter mentioned on the overhead screen. Mr. Rose stated that the City does not enforce deed restrictions, but the City wanted to make sure they are aware, in case someone else enforces them. Mr. Schmidt stated that they are aware of them. Mr. Hasman clarified with Mr. Schmidt that the access road was already there. Mr. Schmidt stated that was correct. There is a small gas well, and when they put the tower in, they put a road thru there. The road is used by the City now as an access way between both sides of the site, this will remain and be improved as part of the project. The access right past it, they are following with a new road. There are wetlands concerns and preservation intentions to maintain as much as possible, and the tower will be coming down. Mr. Hasman asked if the roadway is paved. Mr. Schmidt stated that it was gravel.

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

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

MOTION CARRIED

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
March 9, 2020**

Present: Roberts, Caruso, Hasman, Kingston, Rose

Absent: Hruby, McCrodden

Others: Building Inspector Synek, 5 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF FEBRUARY 10, 2020

Motion by Mr. Hasman, seconded by Mr. Kingston, to approve the Regular Meeting minutes of February 10, 2020, as recorded.

ROLL CALL: Ayes: Roberts, Caruso, Hasman, Kinston, Rose
Nays: None
MOTION CARRIED

Before the vote, Mr. Rose gave the appellants the option to table their appeal until next month, due to only five Board members being present. Both appellants wanted to proceed with the vote.

APPEAL 2020-07

Motion by Mr. Hasman, seconded by Mr. Kingston, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.22 minimum required 150 ft. lot width to allow 111 feet for Parcel A, and 104 feet for Parcel A-1 for a lot split located at 4311 Oakes Road, PP# 603-02-006.

ROLL CALL: Ayes: Hasman, Kingston, Roberts, Caruso, Rose
Nays: None
MOTION CARRIED

APPEAL 2020-08

Motion by Ms. Roberts, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for the following – (Parcel A School) (1) a variance from the Section 1153.32 minimum 50 ft. rear yard building setback required to allow 0 ft. and (2) a variance from the Section 1153.32 minimum 50 ft. side yard building setback required to allow 42.55 ft., and (3) a variance from Section 1153.32 minimum 15 ft. side yard setback required to allow 10.18 ft. for a dumpster enclosure, and (4) a variance from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate, and (Parcel B Field House) (1) a variance from the Section 1153.32 minimum 25 ft. rear yard building setback required to allow 0 ft., and (2) a variance from the Section 1113.14(c) requirements that zoning lots abut dedicated streets to allow a parcel that

does not abut a dedicated street – as parts of a lot split for the construction of a new Elementary School and Field House located at 3500 Oakes Road, PP# 603-09-004.

ROLL CALL: Ayes: Roberts, Caruso, Hasman, Kingston, Rose
Nays: None
MOTION CARRIED

REPORT OF COUNCILMEMBER CARUSO

No Report.

REPORT OF MAYOR HRUBY

Not in attendance.

Motion by Mr. Hasman, seconded by Mr. Caruso to close the Regular Meeting at 8:02 p.m.

MOTION CARRIED

THE BRECKSVILLE BOARD OF ZONING APPEALS

DENNIS ROSE, CHAIRMAN

ROBERT HASMAN, VICE CHAIRMAN

DARYL KINGSTON, SECRETARY

Public Hearing and Regular Meeting recorded by Gina Zdanowicz