

BRATENAHL VILLAGE  
BRATENAHL VILLAGE HALL  
411 BRATENAHL ROAD  
BRATENAHL, OHIO 44108  
(216) 383-0468

BOARD OF ZONING APPEALS  
CONDUCTED VIA ZOOM  
MAY 3, 2021  
5:30 P.M.

MAYOR JOHN LICASTRO, CHAIR  
KEITH BENJAMIN  
KAREN BRACE  
FRED KREINER  
JEFFREY MOLCHAN

MARK B. MARONG, ESQ.  
NANCY L. MOLNAR, RPR, CLR

3

1 Hey, Keith, welcome.

2 MR. BENJAMIN: Hello. Hi everybody.

3 MAYOR LICASTRO: We have Kris Hopkins,  
4 our Village Planner, with us. And she'll be able  
5 to screen share some of the documents she  
6 received with the packet. And, of course, as  
7 always with this process, we have Mark Marong  
8 from legal here as well.

17:31:18

9 Once we reach a decision, if we do make  
10 a recommendation tonight, you'll have to go  
11 before council, hopefully at the May meeting for  
12 final approval or denial. Any questions on the  
13 process?

17:31:33

14 Mr. Young, would you like to give us an  
15 overview before we have Kris give us some  
16 specifics?

17:31:50

17 MR. YOUNG: Certainly. A couple years  
18 ago I acquired the lot next to mine, which is 105  
19 wide by 218 deep. And that tripled the size of  
20 my property. And it's all grass and plantings  
21 and trees. And I've got to do a lot more work on  
22 that yard. Lawn tractor, weed sweeper, all sorts  
23 of tools and really my garage couldn't fit them  
24 all, so I really need a new storage shed for the  
25 tools to help maintain my yard next door.

17:32:13

17:32:43

2

1 MAYOR LICASTRO: The clock shows 5:30,  
2 I'll call this meeting to order. The meeting of  
3 the Board of Zoning Appeals and call the roll.  
4 Fred Kreiner?

17:30:14

5 MR. KREINER: Here.

6 MAYOR LICASTRO: Jeff Molchan? He might  
7 be muted.

8 MR. MOLCHAN: I'm here.

17:30:24

9 MAYOR LICASTRO: Thank you. Karen  
10 Brace?

11 MS. BRACE: Here.

12 MAYOR LICASTRO: And I don't believe we  
13 have Keith Benjamin. Keith, are you with us?

14 Okay. I am here and that gives us a  
15 quorum. We need three for a quorum. We have  
16 four. Keep in mind this is the most quasi  
17 judicial meeting we have in the Village. We're  
18 here to see and discuss a specific -- well,

17:30:33

19 there's Keith -- specific application by a  
20 homeowner, Mr. Young, who is on the call as well.

17:30:51

21 Keith, let the record reflect Keith is  
22 with us. Hello, Keith.

23 The address is 10400 Brighton Road. And  
24 the request, it's a request for a variance for a  
25 storage shed. We have Kris Hopkins with us.

17:31:07

4

1 Now, I've asked the same contractor who  
2 built my garage to build a storage shed. And  
3 it's going to look identical to it in colors and  
4 materials and shingles, so it should be an  
5 attractive building. Although, with the way I  
6 have it situated, it will not be visible from the  
7 street. It will only be visible really to  
8 neighbors around my house. So we're going to do  
9 a nice building. We're going to pour a cement  
10 floor for it. It's going to be really well done.

17:33:15

17:33:44

11 MAYOR LICASTRO: So, Duke, I didn't  
12 mention, but it's obvious you're going to have to  
13 go before the Architectural Review Board as well,  
14 but this process comes first. So before we ask  
15 for questions from the members, Ms. Hopkins, why  
16 don't you take over our screen and give us an  
17 overview of the project and your memo as well.

17:34:02

18 MS. HOPKINS: Okay. So this is the site  
19 plan that was submitted that shows the existing  
20 house and it shows the breakdown between the lot  
21 that the house is built on, which is 50 feet wide  
22 versus the additional lot that Mr. Young referred  
23 to, which is 105 feet wide. This is the existing  
24 garage and the proposed storage shed. So what I  
25 did then is I also -- I took his drawing and I

17:34:27

17:34:47

1 flipped it around so that north is up. And  
2 here's the depiction of the proposed storage shed  
3 behind the garage.

4 So there are two variances that are  
5 required based on the proposed shed. One is for  
6 the height of the shed, which is limited to 10  
7 feet. And the proposal is for a  
8 12-and-a-half-foot-tall building, so a variance  
9 of two and a half feet. And then the second  
10 variance is required for a three-foot setback off  
11 of the side lot line, which as Mr. Young had  
12 said, his garage is also just three feet from the  
13 side lot line, so it would be consistent with the  
14 placement of the garage.

15 In my memo to the Board of Zoning  
16 Appeals, I have pointed out a variety of factors  
17 that I think are important to take into  
18 consideration. The first is the fact that as you  
19 can see with all of the stars that are shown,  
20 these are all accessory buildings that are  
21 located approximately less than 10 feet. And as  
22 I mentioned in the note, it's not -- the lot  
23 lines don't quite line up, so it's probably these  
24 accessory buildings over here, they probably  
25 don't straddle the lot line, but the point is

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1 that they are very close, if not right on the lot  
2 line. So that seems to be a very common  
3 characteristic in the neighborhood.

4 The other factor to consider, as Mr.  
5 Young pointed out, is that it's behind the  
6 garage. You also have a number of these other  
7 accessory buildings that are blocking the view,  
8 so it's not visible to the street and it's maybe  
9 visible from this, from inside this house, but to  
10 the other houses it won't be visible. And it's a  
11 very small, small structure when you look at the  
12 other structures that are in the neighborhood.  
13 So at 192 square feet and only 12-and-a-half-feet  
14 tall, it is a minimal amount of -- a minimal  
15 structure in the backyard.

16 And so for those reasons, I support  
17 granting the variance. I think it's consistent  
18 with what's in the neighborhood. And then on the  
19 next diagram, I do show also how you get an idea  
20 of how tall these accessory buildings are. Then  
21 you also can see the amount of trees that are in  
22 the neighborhood and surrounding the parcel. So  
23 the approximate location of where Mr. Young would  
24 like to put the shed is right about here  
25 (indicating), this being Brighton Road at the

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1 bottom of the photo. So with that, I have the  
2 photos of that Mr. Young supplied if anyone would  
3 like to see those as well.

4 MAYOR LICASTRO: Thank you, Ms. Hopkins.  
5 Any questions from members of the Board?

6 MR. BENJAMIN: Mayor, yeah, just a  
7 couple questions. The first one is the existing  
8 accessory structures in other homes, are they  
9 around 10 to 12 feet as well, similar in size and  
10 scope?

11 MS. HOPKINS: I would say that they are  
12 taller than 12 and a half feet. I did not go out  
13 and measure them, but based on the photographs, I  
14 would say that they are -- for example, this one  
15 is probably around the same height as what's  
16 proposed and then this is the garage. This is  
17 taller. Garages do not have a minimum -- I'm  
18 sorry, a maximum height.

19 MR. BENJAMIN: You're not sharing  
20 anymore.

21 MS. HOPKINS: I'm sorry.

22 MR. BENJAMIN: That's okay.

23 MS. HOPKINS: I forgot about that. You  
24 got to redo it.

25 Okay. So behind Mr. Young's house is  
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1 this accessory building, this garage, which I  
2 would imagine is similar in height to what is  
3 proposed. There is another accessory building in  
4 this photograph. And then here is the garage  
5 that is behind and to the east, so they are all  
6 at least as tall if not taller than what's  
7 proposed.

8 MR. BENJAMIN: Okay. And then my other  
9 question has to do with if we have received any  
10 feedback or heard from any of the neighbors.

11 MAYOR LICASTRO: We have not, Mr.  
12 Benjamin. Again, part of this process is  
13 everyone within 300 feet is sent a registered  
14 notice of the meeting with the same packet you  
15 received and no one has called to offer an  
16 objection.

17 MR. BENJAMIN: Okay. Great. Thank you  
18 very much.

19 MAYOR LICASTRO: Any other questions  
20 from members of the Board?

21 MR. MOLCHAN: Just one, for all the  
22 other accessory buildings, actually they're  
23 garages or are they truly accessory buildings?

24 MR. YOUNG: Most of them are garages of  
25 some form or other. There is a lot of one-car

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1 garages as most of the properties in that area  
2 are very narrow, so most of them are very small  
3 garages.

17:41:08

4 MAYOR LICASTRO: Thank you. Anyone  
5 else? Kris, go ahead.

6 MS. HOPKINS: I have two points related  
7 to the size of the building. So there are two  
8 additional requirements for accessory buildings.  
9 One is that they not exceed 15 percent of the  
10 area, the ground floor area of the main building.

17:41:25

11 And the shed at 192 square feet does meet that  
12 threshold.

13 And then there's also a requirement for  
14 size of the rear yard -- I'm sorry, size in  
15 relation to the rear yard. And that it cannot  
16 exceed five percent of the rear yard. In looking  
17 at the relationship of the shed to the lot, I  
18 compared it only to the size of the 50-foot wide  
19 lot.

17:41:40

20 Mr. Young mentions in his application  
21 that he is going through a lot consolidation  
22 process right now, but it's not completed yet, so  
23 my analysis was done on the original 50-foot wide  
24 lot. In both cases, the proposed storage shed  
25 meets the area limitations.

17:42:00

17:42:19

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1 MAYOR LICASTRO: Thank you, Ms. Hopkins.  
2 Any other questions from the Board?

17:42:33

3 MR. BENJAMIN: One more question. What  
4 will the foundation be? Is it going to be a  
5 poured cement or asphalt?

6 MR. YOUNG: Yes, poured cement.

7 MR. BENJAMIN: Okay. Cement. Great.  
8 Thank you.

17:42:44

9 MAYOR LICASTRO: Anyone else from the  
10 Board? So let me just read from Ms. Hopkins'

11 memo. She closes by saying, "Based on various  
12 factors, it's my opinion that it is reasonable  
13 for the Board of Zoning Appeals to grant the  
14 requested variances based on the following: And

17:43:02

15 they are number one, the requested two-foot  
16 six-inch height variance for the 192 square foot  
17 shed is minimal. Number two, the storage shed is  
18 screened from the neighbor's view because of its  
19 placement behind the existing garage and the  
20 small setbacks of accessory buildings on adjacent  
21 parcels. Number three, the storage shed is to be  
22 located the same distance from the lot line three  
23 feet as the existing garage, which is nearly  
24 three times larger and taller than the storage

17:43:16

25 shed. Number four, as the applicant has shown

17:43:31

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1 and submitted photos of the existing accessory  
2 buildings on adjacent and nearby lots, as  
3 depicted in figure two, which we saw earlier, the  
4 proposed location and height of the storage shed  
5 is similar to existing development pattern. And  
6 she closes with number five, granting the  
7 variances will be in harmony for the general  
8 purposes and intent of the zoning code.

17:43:44

9 Are there any more questions from  
10 members of the Board?

17:43:56

11 MR. BENJAMIN: Just one more question as  
12 I'm looking at the photos. Do we anticipate any  
13 issues with water runoff, stormwater runoff and  
14 ponding, potential ponding in the backyard or  
15 neighboring yard?

17:44:14

16 MAYOR LICASTRO: Are you changing  
17 topography, Mr. Young?

18 MR. YOUNG: No, I'm not at all. I don't  
19 think there's going to be a problem. The main  
20 garage has gutters and it goes into a drain  
21 system. The smaller shed does not have gutters,  
22 it will just drain into the sand and soil and  
23 percolate on its own.

17:44:27

24 MR. BENJAMIN: Okay.

17:44:45

25 MAYOR LICASTRO: Both of you are  
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1 residents of the west end, which is a very sandy  
2 soil.

17:44:54

3 MR. BENJAMIN: Oh, I know.

4 MAYOR LICASTRO: I know you know. Mr.  
5 Marong, any comments from you?

6 MR. MARONG: The only thing from legal  
7 under 1121.07, by making your motion, you're  
8 finding that Mr. Young met the practical  
9 difficulties test. It looks like from Kris's

17:45:14

10 analysis there are two variances requested, so I

11 would ask for a motion on each one. It looks  
12 like one for height and one for setbacks, so I'd  
13 be specific. If the Board is going to rely on  
14 those enumerated provisions in Ms. Hopkins' memo,

17:45:31

15 just make that next step that it meets the  
16 practical difficulties test, because we are  
17 dealing in area variances.

18 MAYOR LICASTRO: Thank you, Mark. Any  
19 more questions from Board members? Okay. So  
20 I'll entertain two separate motions. The first  
21 of which is citing the practical difficulty, as  
22 stated by Mr. Marong, that it is reasonable and  
23 we recommend that council approve a variance on  
24 the height of the structure as stated.

17:45:45

25 Is there such a motion?

17:45:59

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1 MR. BENJAMIN: So moved.  
 2 MAYOR LICASTRO: Is there a second?  
 3 MR. MOLCHAN: I'll second.  
 4 MR. KREINER: Second.  
 17:46:10 5 MAYOR LICASTRO: Okay. Any further  
 6 discussion? Let me call the roll for passage,  
 7 please, And this is to recommend approval. Ms.  
 8 Brace?  
 9 MS. BRACE: Yes.  
 17:46:24 10 MAYOR LICASTRO: Mr. Benjamin?  
 11 MR. BENJAMIN: Yes.  
 12 MAYOR LICASTRO: Mr. Kreiner?  
 13 MR. KREINER: Yes.  
 14 MAYOR LICASTRO: Mr. Molchan?  
 17:46:30 15 MR. MOLCHAN: Yes.  
 16 MAYOR LICASTRO: I vote yes as well.  
 17 Thank you. It will go to council with our  
 18 recommendation for approval.  
 19 Second variance is, again, stating the  
 17:46:40 20 practical difficulty as discussed. And this is  
 21 for the setback as enumerated in the document and  
 22 shown on the drawings as well.  
 23 Is there a motion to send this to  
 24 counsel with our recommendation for approval?  
 17:46:55 25 MR. KREINER: So move.  
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1 MAYOR LICASTRO: And do we have a  
 2 second?  
 3 MR. MOLCHAN: Yes.  
 4 MAYOR LICASTRO: Thank you. Mr. Molchan  
 17:47:03 5 second. Discussion? There being none, I'll call  
 6 the role for passage. Ms. Brace?  
 7 MS. BRACE: Yes.  
 8 MAYOR LICASTRO: Mr. Benjamin?  
 9 MR. BENJAMIN: Yes.  
 17:47:14 10 MAYOR LICASTRO: Mr. Kreiner?  
 11 MR. KREINER: Yes.  
 12 MAYOR LICASTRO: Mr. Molchan?  
 13 MR. MOLCHAN: Yes.  
 14 MAYOR LICASTRO: And I vote yes as well.  
 17:47:22 15 We will then take both of these variances and put  
 16 them on the council agenda for May. As I  
 17 mentioned, Mr. Young will have to go through the  
 18 ARB process as well to talk about design,  
 19 shingles, et cetera.  
 17:47:34 20 That is the one item we have on the  
 21 agenda for discussion. Any further comments from  
 22 Board members? Any comments from anyone in the  
 23 general public?  
 24 All right. Well, good luck, Mr. Young.  
 17:47:52 25 And my favorite part of every meeting I'm going  
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1 to ask for a motion to adjourn.  
 2 MR. BENJAMIN: So moved.  
 3 MAYOR LICASTRO: Well, either that was a  
 4 yes or someone's dog barked. We'll take it as  
 17:48:07 5 such. Roll call on adjournment. Ms. Brace?  
 6 MS. BRACE: Yes.  
 7 MAYOR LICASTRO: Mr. Benjamin?  
 8 MR. BENJAMIN: Yes.  
 9 MAYOR LICASTRO: Mr. Kreiner?  
 17:48:15 10 MR. KREINER: Yes.  
 11 MAYOR LICASTRO: Mr. Molchan?  
 12 MR. MOLCHAN: Yes.  
 13 MAYOR LICASTRO: All right. Myself as  
 14 well. We stand adjourn. Thanks everyone for  
 17:48:23 15 your time.  
 16 (Meeting adjourned at 5:48 p.m.)  
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1 CERTIFICATE  
 2  
 3  
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 5 as such Reporter I took down in Stenotypy all of  
 6 the proceedings had in the foregoing transcript;  
 7 that I have transcribed my said Stenotype notes  
 8 into typewritten form as appears in the foregoing  
 9 transcript; that said transcript is the complete  
 10 form of the proceedings had in said cause and  
 11 constitutes a true and correct transcript therein.  
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 15 Nancy L. Molnar  
 16 Nancy L. Molnar, Notary Public  
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 18  
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