

VILLAGE OF BRATENAHL  
10300 BRIGHTON ROAD  
BRATENAHL, OHIO 44108  
(216) 383-0468

BOARD OF ZONING APPEALS MEETING

THURSDAY, MAY 12, 2022  
5:30 p.m.

MAYOR JOHN LICASTRO  
KEITH BENJAMIN  
FRED KREINER

COURT REPORTER: LORRAINE J. KLODNICK, RDR, CRR

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1 MAYOR LICASTRO: So this is the most  
2 formal of our meetings; quasi judicial, if you  
3 will. This necessitates everyone being notified  
4 that lives within a 300-foot radius by registered  
5 mail. That has been done. Mary is the one that  
6 facilitates that. We look for any feedback and I  
7 will mention, for the record, what little  
8 feedback we did receive.

9 So why don't you state, if you can,  
10 summarize, first state your name for the record  
11 and then summarize the nature of your request.

12 MS. SUTTON: Do I need to stand?

13 MAYOR LICASTRO: You don't have to.

14 MS. SUTTON: I'm Juliann Sutton. I live  
15 at 110 Haskell Drive and I'm requesting a  
16 variance for a generator on the side of my home  
17 because it cannot go anywhere else.

18 MAYOR LICASTRO: I like that. Succinct.

19 MS. SUTTON: Simple.

20 MAYOR LICASTRO: We do have an opinion  
21 from Kris Hopkins. Let's hear her opinion and  
22 then we'll hear from members of the board.

23 Ms. Hopkins, if you would.

24 MS. HOPKINS: Thank you. So just to be  
25 clear, the required setback is 20 feet from the

2

1 MAYOR LICASTRO: Okay. It's 5:30. I will  
2 call this meeting to order, a meeting of the  
3 Bratenahl Board of Zoning Appeals. And I'll call  
4 the roll.

5 Mr. Benjamin?

6 MR. BENJAMIN: Present.

7 MAYOR LICASTRO: Mr. Kreiner?

8 MR. KREINER: Here.

9 MAYOR LICASTRO: And I'm here myself,  
10 John Licastro.

11 We are recording this for posterity, so  
12 if you speak and you're not one of us, please  
13 identify yourself the first time you speak for  
14 the record.

15 We also have Ms. Hopkins here, our  
16 village planner, Mary Ranney, our building  
17 department administrator, and several people in  
18 the audience. If you speak, we'll find out who  
19 you are.

20 I'm assuming you're the applicant,  
21 ma'am?

22 MS. SUTTON: I'm Juliann Sutton.

23 MAYOR LICASTRO: Nice to meet you.  
24 Welcome.

25 MS. SUTTON: Nice to meet you.

4

1 side lot line. The distance that would be  
2 provided with the proposal is 6 feet from the  
3 side lot line so that she is requesting a 14-foot  
4 variance from the 20-foot requirement.

5 In my report I do note a few  
6 circumstances that I think have a bearing on  
7 this. First of all, there are already two air  
8 conditioning units. One, her house has an air  
9 conditioning unit and then the next door neighbor  
10 has one as well.

11 The other factor I took into  
12 consideration is the location adjacent to the  
13 expressway, so that is already creating quite a  
14 bit of noise.

15 We did also note the existence of trees,  
16 landscaping along the street, along  
17 Haskell Drive, which is also something that the  
18 homeowners association noted and has a  
19 requirement for additional landscaping.

20 And then, frankly, there already has  
21 been approval by the HOA. Given the fact that  
22 this is a planned development project, I think  
23 there is a lot of weight that comes with the HOA  
24 saying that this is acceptable within their  
25 development.

1 So with those factors, and also given  
 2 the fact that the applicant has said it can't go  
 3 anywhere else, I think that the practical  
 4 difficulty warrants of a granting of the  
 5 variance.  
 6 MAYOR LICASTRO: So for clarity, Kris,  
 7 it's two variances: The side yard setback for  
 8 this and the side yard location for the  
 9 generator?  
 10 MS. HOPKINS: Absolutely. You are  
 11 right. I did miss that. Yes. So right now, in  
 12 an R2 district, the variance -- generators are  
 13 required to be in the rear yard only, so yes.  
 14 MAYOR LICASTRO: It's two-fold. The  
 15 setback of 15 feet and the location in the side  
 16 yard?  
 17 MS. HOPKINS: That's correct. Thank  
 18 you.  
 19 MAYOR LICASTRO: Board members, any  
 20 question or concerns? You've got documents  
 21 you're perusing.  
 22 MR. KREINER: Yes. Two questions. Have  
 23 we heard from any neighbors?  
 24 MAYOR LICASTRO: We do. I have a  
 25 statement from a Miss Karen O'Hare who states "I  
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1 am unable to attend. I do not have any  
 2 objections for a generator location on the side  
 3 of 110 Haskell Drive." That's the only response  
 4 we had.  
 5 I should also note for the record that  
 6 Mr. Molchan, who is a member of this board,  
 7 recused himself since he is president of the HOA  
 8 on Haskell too.  
 9 MR. BENJAMIN: Have you spoken with your  
 10 neighbor?  
 11 MS. SUTTON: I have not. They are in  
 12 Florida. They have a place in Key West so I have  
 13 not seen them since November --  
 14 MR. BENJAMIN: Okay.  
 15 MS. SUTTON: -- of last year.  
 16 MR. BENJAMIN: All right. Good for  
 17 them.  
 18 MS. SUTTON: I know, right?  
 19 MR. BENJAMIN: I'm assuming they  
 20 probably would have received notification and --  
 21 okay. I'm sure there is a logical reason, and I  
 22 really can't tell from the GIS, but is there any  
 23 reason why the generator could not go, I see the  
 24 driveway right here, could not go there --  
 25 MS. SUTTON: Because there's the garage  
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1 and it would just be extremely expensive to run  
 2 all the --  
 3 MR. BENJAMIN: The conduit --  
 4 MS. SUTTON: -- everything that needs to  
 5 go with that and I just couldn't do it then.  
 6 MR. BENJAMIN: Okay. All right.  
 7 MR. KREINER: I do have another --  
 8 MAYOR LICASTRO: Please.  
 9 MR. KREINER: I'm looking at these three  
 10 photos. In one of those is the actual location,  
 11 proposed location?  
 12 MS. SUTTON: May I --  
 13 MR. KREINER: Please.  
 14 MS. SUTTON: This is my neighbor's  
 15 house.  
 16 MR. KREINER: Okay.  
 17 MS. SUTTON: And this is where it would  
 18 go.  
 19 MR. KREINER: And this is your house?  
 20 MS. SUTTON: This is mine.  
 21 MR. KREINER: Okay. So I guess for  
 22 Miss Hopkins, I would just ask so this is a  
 23 natural gas?  
 24 MS. HOPKINS: Yes.  
 25 MR. KREINER: Is proximity to that  
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1 window an issue?  
 2 MS. HOPKINS: There are some regulations  
 3 in the specs that will require it to be located a  
 4 certain distance away from the window. From what  
 5 I could tell, it looked like there was sufficient  
 6 room to position it over to --  
 7 MR. KREINER: Push it left, Okay.  
 8 So neighbors, HOA, that's all the  
 9 questions I have.  
 10 MAYOR LICASTRO: Thank you. Miss Sutton  
 11 has spoken to the practical difficulty created  
 12 with location elsewhere. Miss Hopkins has  
 13 offered her opinion and also notes the practical  
 14 difficulty as stated in a memo and verbally as  
 15 well. Again, we are looking at two variances,  
 16 one a 15-foot setback for this generator and  
 17 location in side not rear yard.  
 18 Any further questions from members of  
 19 the board?  
 20 MR. KREINER: No.  
 21 MR. BENJAMIN: Just clarification that  
 22 the generator is for emergency only, correct?  
 23 It's not going to be running for any other  
 24 purpose?  
 25 MS. SUTTON: Oh, no. I mean, I have no  
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1 other reason for it other than emergency.  
 2 MR. BENJAMIN: I just want to make sure  
 3 because sometimes people buy generators --  
 4 MS. SUTTON: I have nothing else going  
 5 on in my home that I would need it for.  
 6 MS. HOPKINS: In the specs that were  
 7 provided, it does refer to it as a residential  
 8 stand-by generator.  
 9 MAYOR LICASTRO: Typically they cycle  
 10 once a week just to keep --  
 11 MS. HOPKINS: Correct.  
 12 MR. BENJAMIN: No other questions from  
 13 me.  
 14 MAYOR LICASTRO: Any comments from the  
 15 general public? All two of you?  
 16 MR. O'ROURKE: I think it's a good  
 17 thing.  
 18 MAYOR LICASTRO: And you are, sir?  
 19 MR. O'ROURKE: I'm sorry. I'm Russell  
 20 O'Rourke. I live at 95 Nantucket.  
 21 MAYOR LICASTRO: Okay. Thank you,  
 22 Mr. O'Rourke.  
 23 All right. Can I entertain a motion  
 24 from board members to recommend both variances be  
 25 granted, one of which is for a 15-foot setback in  
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1 lieu of the 20-foot zoning code and location of  
 2 this generator in side not rear yard?  
 3 MR. KREINER: I move that we recommend  
 4 that both variances be granted as requested.  
 5 MAYOR LICASTRO: Is there a second?  
 6 MR. BENJAMIN: Second.  
 7 MAYOR LICASTRO: A discussion? All in  
 8 favor of the motion?  
 9 MR. BENJAMIN: Aye.  
 10 MR. KREINER: Aye.  
 11 MAYOR LICASTRO: It carries unanimously.  
 12 Ma'am, Miss Sutton, the next step will  
 13 be an ordinance by council approving this  
 14 recommendation. Boards and commissions and  
 15 committees make recommendations, council makes  
 16 the final decision. It will be on our agenda for  
 17 the May meeting, which is the 18th. If you're  
 18 able to attend, we'd like to see you there. You  
 19 don't have to, but it's always helpful to be in  
 20 the room.  
 21 MS. SUTTON: Great. On May 18th?  
 22 MAYOR LICASTRO: That's correct. At  
 23 5:30 --  
 24 MS. SUTTON: So nothing can happen prior  
 25 to that then?  
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1 MAYOR LICASTRO: Yeah. Just give us a  
 2 couple -- it's really not official until council  
 3 passes it.  
 4 MS. SUTTON: Okay. Thank you.  
 5 MAYOR LICASTRO: All right. That ends  
 6 this agenda. Any other comments? There being  
 7 none, a motion to adjourn, please.  
 8 MS. RANNEY: I'm sorry, I just want to  
 9 clarify, I thought I heard Miss Hopkins say 14  
 10 foot --  
 11 MS. HOPKINS: 14 feet.  
 12 MS. RANNEY: And I thought you --  
 13 MAYOR LICASTRO: I thought I heard 15.  
 14 MS. HOPKINS: 6 feet from the property  
 15 line. Then it's 20 minus the 6 is a 14-foot  
 16 variance. The 15 feet, you were giving her an  
 17 extra foot.  
 18 MAYOR LICASTRO: All right. So the  
 19 variance is 14 feet. Okay. So let's amend the  
 20 motion to reflect that detail. It's a 14-foot  
 21 setback, not 15. Would someone offer that motion  
 22 as amended?  
 23 MR. KREINER: I move that as amended  
 24 14-foot rather than 15.  
 25 MR. BENJAMIN: Second.  
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1 MAYOR LICASTRO: Discussion? All in  
 2 favor?  
 3 MR. BENJAMIN: Aye.  
 4 MR. KREINER: Aye.  
 5 MAYOR LICASTRO: All right. So it  
 6 passes unanimously. Thank you.  
 7 I think we are on the verge of  
 8 adjournment. Is there a motion to do so?  
 9 MR. BENJAMIN: So moved.  
 10 MR. KREINER: Second.  
 11 MAYOR LICASTRO: All in favor of  
 12 adjournment?  
 13 MR. BENJAMIN: Aye.  
 14 MR. KREINER: Aye.  
 15 MAYOR LICASTRO: All right. Thank you  
 16 very much. Miss Sutton, nice meeting you.  
 17 - - - -  
 18 (Thereupon, the meeting was adjourned.)  
 19 - - - -  
 20  
 21  
 22  
 23  
 24  
 25  
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1 CERTIFICATE

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4 I, Lorraine J. Klodnick, do hereby certify  
5 that as such Reporter I took down in Stenotypy all  
6 of the audio-taped proceedings had in the foregoing  
7 transcript; that I have transcribed my said  
8 Stenotype notes into typewritten form as appears in  
9 the foregoing transcript; that said transcript is  
10 the complete form of the proceedings had in said  
11 cause and constitutes a true and correct transcript  
12 therein.

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Lorraine J. Klodnick

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