

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

BOARD OF ZONING APPEALS
CONDUCTED VIA ZOOM

JUNE 10, 2021
5:31 p.m.

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

LORRAINE J. KLODNICK, RDR, CRR

3

1 administrator. I see there are several residents
2 on as well.

3 The code mandates we notify everyone
4 within 300 feet of this location that this

17:32:37 5 meeting will be taking place. They are notified
6 by registered mail and we have done so.

7 These applications are reviewed by our
8 village planner, Ms. Hopkins. By the way, we're
9 looking at some code changes, one of which would

17:32:53 10 make something like this an administrative
11 decision rather than necessitating a variance for
12 the Board of Zoning Appeals. But the law now
13 stands and we are going through the process as
14 stated.

17:33:07 15 Any questions from board members? Thank
16 you.

17 Ms. Hopkins, why don't you screen share
18 and walk us through the project, unless Mr. -- is
19 it Pettrey?

17:33:23 20 MR. PETTREY: Yes.

21 MAYOR LICASTRO: Do you have anything to
22 say before we start the review?

23 MR. PETTREY: Well, the whole reason
24 we're wanting to put it in the front is because

17:33:30 25 the entire basement is all finished, drywalled

2

1 MAYOR LICASTRO: I'll call the meeting
2 to order. I'll call the roll.

3 Mr. Benjamin?

4 MR. BENJAMIN: Here.

17:31:30 5 MAYOR LICASTRO: Ms. Brace?

6 MS. BRACE: Here.

7 MAYOR LICASTRO: Mr. Kreiner?

8 MR. KREINER: Here.

9 MAYOR LICASTRO: And Mr. Molchan?

17:31:38 10 MR. MOLCHAN: Present.

11 MAYOR LICASTRO: And I'm the fifth
12 member of this commission, this board.

13 Thank you for attending tonight. This
14 is a meeting of the Bratenahl Board of Zoning

17:31:46 15 Appeals. It is the most quasi-judicial meeting
16 we do in all of our various processes.

17 We are here to discuss one item and one
18 item only and that's the location of the
19 generator at 191 Lakehurst. The code mandates in

17:32:06 20 Section 1155.06(c) that this accessory structure
21 be in a rear yard. The applicant is asking for a
22 variance to allow it in a front yard.

23 On the call are Kristin Hopkins, our
24 village planner, Mark Marong, from our legal

17:32:25 25 department, Mary Ranney, our building department

4

1 ceilings. So in order to try and get the gas and
2 the feeder through the house, it's next to

3 impossible because it's a large house, but it's
4 several layers of drop ceiling -- not drop

17:33:47 5 ceilings, but heights of ceilings. There's no
6 clear path to try and get everything needed to
7 get the generator to make it run and operate
8 properly.

9 MAYOR LICASTRO: One of the reasons to
10 grant a variance is if indeed a hardship is
11 demonstrated. I think in her opinion Ms. Hopkins
12 makes reference to that, so without further ado,
13 Kris, if you would walk us through this, please.

17:34:00 14 MS. HOPKINS: Thank you, Mayor. So I
15 will go ahead and get started.

17:34:21 16 Okay. As the mayor mentioned, the
17 freestanding generator is considered an accessory
18 use and the zoning code requires that it be
19 located in the rear yard.

17:34:40 20 This, the property highlighted in
21 yellow, is part of the Lakehurst Planned
22 Residential Development Project, but because that
23 section of the code does not address accessory
24 uses and structures, then the part of the code,
17:34:57 25 the section that addresses all residential

1 districts, is what is now applicable for this
 2 particular accessory structure.
 3 One of the things to point out about
 4 this particular property is that it's about 1.7
 5 acres. The house itself, based on the county
 6 records, was constructed approximately in 1991;
 7 whereas, the rest of the subdivision, the planned
 8 residential development, these lots average about
 9 a half of an acre and these houses were
 10 constructed in early 2000s and then one of these
 11 was as late as 2013.

17:35:17

17:35:40

12 So that being said, these houses along
 13 the eastern boundary, their side yard or rear
 14 yards abut the applicant's property. Whereas
 15 this property, 250 Lake Cove Court, the south,
 16 it's their side yard that abuts the front yard.

17:36:05

17 When we look more closely, the front
 18 yard is defined by the closest wall to the
 19 street. And again, this is the side yard. This
 20 is the approximate location for the proposed
 21 generator. The front of the house is
 22 approximately 20 feet away.

17:36:26

23 When we look at the distance then from
 24 the rear yard of these two, the two closest rear
 25 yards to where the generator would be required to

17:36:46

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1 be located, the distance from the corner, the
 2 eastern/northeastern corner of the house to this
 3 activity area in the rear yard, is about 50 feet.
 4 From this location to approximately right here,
 5 it's about 150 feet.

17:37:08

6 When I measured this location to the
 7 northernmost part of the neighboring house to the
 8 south, it's about 190 feet. So it's
 9 significantly further away. That in and of
 10 itself makes it -- makes a big difference in the
 11 sense that part of the reason it's relegated,
 12 these structures are relegated to their rear yard
 13 is for noise control and the second aspect, their
 14 reason why, is for appearance's sake.

17:37:28

15 So in this location, it's approximately
 16 150 feet also from the edge of the right-of-way
 17 for that cul-de-sac. So it's a significant
 18 amount of distance from the nearest house and
 19 nearest place where you would be able to see it.

17:37:46

20 The other interesting part of my
 21 consideration was the fact that this is the rear
 22 yard for the house to the south and their
 23 activity area is centered in the middle of their
 24 house, the rear of their house, so it's even
 25 further away if they were outside.

17:38:07

17:38:25

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1 So those are two significant
 2 considerations that I took, that influenced my
 3 decision in terms of my belief that this is a
 4 reasonable request. Putting it in the rear yard
 5 here, based on the setback requirement for air
 6 conditioning units, it would only have to have
 7 been 20 feet off of this rear yard.

17:38:45

8 Some additional things to point out too
 9 is that when we consider what is already there,
 10 so we did get some photographs of the house, so
 11 it was mentioned in the application there's
 12 existing utility meters and things that are
 13 already on the outside of the house.

17:39:07

14 From this point, which we don't really
 15 know how far back in the driveway it is, but this
 16 is the approximate area where the generator would
 17 be located. Also, based on the spec sheets, the
 18 generator is relatively small. It's only 30
 19 inches tall and then 18 inches by 14 inches.

17:39:23

20 We did get a letter from the homeowners
 21 association and they mentioned that their
 22 requirement would be that the generator, which
 23 would be, again, in this location approximately,
 24 that additional landscaping would be required.

17:39:42

25 So I believe that that is a valid
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17:40:03

1 request or requirement and it would make sense
 2 for the Board of Zoning Appeals to agree with
 3 that requirement. As was noted in the HOA's
 4 letter, the applicant did agree to install the
 5 additional landscaping, as well.

17:40:27

6 So I'd be happy to answer any questions
 7 if anyone has questions.

8 MAYOR LICASTRO: Any questions for.
 9 Ms. Hopkins from members of the board?

17:40:43

10 MR. MOLCHAN: I do, if you don't mind.

11 MAYOR LICASTRO: Please, Mr. Molchan.

12 MR. MOLCHAN: In the packet that I
 13 received of information, one of the things that
 14 was for site selection or preparation, and it
 15 notes that no operable windows or openings in the
 16 wall are permitted within 5 feet of any point of
 17 the generator. And in the picture that is to the
 18 right, can the contractor point out where the
 19 unit is actually going to be installed?

17:40:57

20 MR. PETTREY: It's actually going to be
 21 between the two meters, between the electric and
 22 the gas. So kind of behind the bushes to the
 23 right of the door, the front door or side,
 24 whatever you want to call it.

17:41:17

25 MR. MOLCHAN: I see the electric meter,
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17:41:27

1 but I don't see the gas meter.
 2 MR. PETTREY: It's tucked up against --
 3 do you see where there's like that tower looking
 4 part of the house?
 17:41:35 5 MR. MOLCHAN: Yes, right here.
 6 MR. PETTREY: So the gas meter is right
 7 in the corner. That great big window there, they
 8 told me that it is not open. That requirement is
 9 any window that can open, it has to be 5 feet.
 17:41:53 10 MR. MOLCHAN: What about the operable
 11 windows that are in the glass block at --
 12 MR. PETTREY: I measured and I'll be
 13 able to get 5 feet from that.
 14 MR. MOLCHAN: Okay.
 17:42:05 15 MAYOR LICASTRO: Thank you, Mr. Molchan.
 16 Any other questions from board members?
 17 What Ms. Hopkins has described is in her
 18 opinion a practical difficulty, which of course
 19 is one reason to grant a variance.
 17:42:21 20 Mr. Marong, any comments from you?
 21 MR. MARONG: Just that, Mayor, if the
 22 board wants to add that condition of the
 23 additional landscaping as requested by the HOA, I
 24 would add that to the motion. And then just
 17:42:35 25 legally make sure if anyone from the public wants
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1 to speak. Otherwise, if you find a practical
 2 difficulty, you're legally compliant.
 3 MAYOR LICASTRO: That was my next step.
 4 Any neighbors that are on the call,
 17:42:46 5 would they like to comment?
 6 DR. RENSTON: I actually had a question.
 7 I'm actually surrounded by three houses that have
 8 generators. They usually come on during the
 9 storm when most people are not outside. However,
 17:42:59 10 it seems like once a week each of these
 11 generators has some type of a charging routine
 12 and the generator comes on for about 30 minutes
 13 or so. I presume the batteries are being
 14 charged.
 17:43:17 15 Are there any regulations about what
 16 time of day those things can't do that? Because
 17 some people have them come on Sunday at 11:30 in
 18 the morning, others at 2:00 in the afternoon.
 19 Just curious.
 17:43:35 20 MAYOR LICASTRO: It's a test of the
 21 generator to make sure everything is operable.
 22 Ms. Hopkins, can you address that?
 23 MS. HOPKINS: To my knowledge, there are
 24 no limits or time restrictions on when that would
 17:43:49 25 occur, but that, as the Mayor pointed out, we are
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1 in the process of putting together draft
 2 amendments. So that would be something we could
 3 consider adding to the proposed amendments, a
 4 timeframe in which that could take place.
 17:44:11 5 MR. BENJAMIN: Mayor, isn't that
 6 something that the homeowners could address in
 7 their bylaws?
 8 MAYOR LICASTRO: Yes. As Ms. Hopkins
 9 mentioned, this requires the homeowner's
 10 approval, which we have, but that's a good
 11 suggestion, Keith. I think the HOA can address
 12 that, to get consistency with not only this
 13 applicant, Dr. Renston, but your neighbors as
 14 well. And 11:30 on Sunday morning does sound a
 17:44:34 15 bit odd. You just come back from brunch and you
 16 want to sit on your patio and look at the lake.
 17 MR. PETTREY: If I may say one thing,
 18 just so we know that this particular generator,
 19 the air-cooled product, they run for five
 17:44:48 20 minutes. On every one that I install, I always
 21 try to tell them to do it during the week, in the
 22 middle of the day, so that the neighbors are not
 23 affected.
 24 MAYOR LICASTRO: Thank you, Mr. Pettrey.
 17:44:57 25 So noted.
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1 To Mr. Benjamin's point, I think the HOA
 2 should consider having some consistency on when
 3 these things cycle so that they're not intrusive.
 4 Thank you, Dr. Renston.
 17:45:10 5 Anyone else? Any other neighbor on the
 6 call? Anyone from the general public? All
 7 right.
 8 So I'll ask for a motion to approve this
 9 as offered with the caveat that we would require
 10 additional landscaping/screening to be installed
 17:45:28 11 at the time of the installation of the generator.
 12 Is there such a motion?
 13 MR. BENJAMIN: So moved.
 14 MAYOR LICASTRO: Is there a second?
 17:45:42 15 MR. KREINER: Second.
 16 MAYOR LICASTRO: Motion made by
 17 Mr. Benjamin, seconded by Mr. Kreiner.
 18 Any further discussion? Understand that
 19 this board's place and authority is to make a
 17:45:55 20 recommendation to Village Council. If indeed
 21 it's recommended for approval, it will go to
 22 Village Council for final approval and then the
 23 contractor can proceed.
 24 As I mentioned earlier, we're looking to
 17:46:07 25 make this much more streamlined and have it
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1 proceed in the administrative process, but we're
2 not there yet.

3 Any further comments?

4 All right. Motion being made to approve
5 this, I'll take the role.

17:46:18

6 Mr. Benjamin?

7 MR. BENJAMIN: Aye.

8 MAYOR LICASTRO: Ms. Brace?

9 MS. BRACE: Aye.

17:46:26

10 MAYOR LICASTRO: Mr. Kreiner?

11 MR. KREINER: Aye.

12 MAYOR LICASTRO: Mr. Molchan?

13 MR. MOLCHAN: Aye.

14 MAYOR LICASTRO: I'll vote aye as well.

17:46:35

15 The motion carries. This will go to council for
16 final consideration.

17 Anyone else on the board, any other
18 business that pertains to the Board of Zoning
19 Appeals? Then I'll obtain a motion to adjourn?

17:46:49

20 MR. KREINER: Motion to adjourn.

21 MR. BENJAMIN: Second.

22 MAYOR LICASTRO: All in favor of the
23 motion?

24 MS. BRACE: Aye.

17:46:55

25 MR. MOLCHAN: Aye.

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CERTIFICATE

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that as such Reporter I took down in Stenotypy all
of the audio-taped proceedings had in the foregoing
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Stenotype notes into typewritten form as appears in
the foregoing transcript; that said transcript is
the complete form of the proceedings had in said
cause and constitutes a true and correct transcript
therein.

Lorraine J. Klodnick
Lorraine J. Klodnick, RDR, CRR

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1 MR. KREINER: Aye.

2 MAYOR LICASTRO: Anyone opposed?

3 Thank you very much.

4 Congratulations, Mr. Pettrey. We will
5 be talking to you soon. Have a nice evening.

17:47:03

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7 (Thereupon, court was adjourned.)

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