

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS - Brecksville City Hall
APRIL 12, 2021**

Present: Roberts, Caruso, Hasman, Hruby, Collin, McCrodden, Rose

Absent: None

Others: Building Inspector Synek, 14 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 2021-11

Ken McGuire for (1) a variance from Section 1185.03 (a) maximum fence height of 4ft. to allow 6 ft. and 9ft., and (2) a variance from Section 1185.02(d) to allow a reverse stanchion design type of fencing (not allowed) for a total of 50 lineal feet of fencing, as shown in the drawings dated March 2, 2021, located at 7960 Brecksville Road, PP# 601-02-024.

Mr. McGuire stated they are seeking a perimeter on the north property line from the rear living line of the house. He said their house is older, and they are at the disadvantage of age and the house is set forward. Pointing to the screen, Mr. McGuire said he would like to have a perimeter with the north lot to go to the extent of their building so that way they could have a backdrop on their property and he would not have to look at the back of the neighbor's house. He said it is just something to give them a little bit more privacy in the back of their house. Mr. McGuire said that is really what they are looking for. Referring to the projection picture, he said they built back into the backyard as well, so they have it on both sides, views into our backyard where we have no privacy at all. He said he is just hoping that we can find a resolve here. In describing the fence, Mr. McGuire explained he was seeking to dress it up a little bit, because they are also at the disadvantage of a lower elevation. He continued, saying while the neighbors have also have built out to the west of them, they sit up higher and look down. He stated if they could have the nine foot posts with a trellis and do some vines it would look appealing, it wouldn't be a distraction, but it would give them the privacy to just have a bit of comfort. He stated he is raising beautiful, young girls and a beautiful wife and they are out in the yard, they have a garden and the patios are out there and it would just be a little bit more reassuring to him. Mr. McGuire continued saying from a male perspective, he didn't mean to be sexist, but he is just trying to protect his girls and does not want to have his family being watched while in the yard.

Mr. Rose asked Mr. McGuire if the fence is a six foot fence that he is asking for and then there would be nine-foot posts that he would put the trellis on top of, asking is that the plan.

Mr. McGuire responded, yes. Mr. Rose confirmed with Building Inspector Synek that even though they are just posts that are nine-foot that are going to be used for arbor vine, that posts still count as a fence. Mr. Synek confirmed, yes.

Mr. Rose said he wanted to make it clear, the two things Mr. McGuire mentioned to the Board are the setbacks, which setbacks have changed and everyone else's setback is farther than Mr. McGuire's setback as well as a terrain issue with the way Mr. McGuire's house sits. Mr. McGuire responded yes, that is correct.

Mr. Rose asked if there are any other questions from members of the Board. Mr. Hasman asked Mr. McGuire if he has considered any other alternatives, for example, as a carpenter, could he possibly build a raised garden bed and put arborvitae into that bed. Mr. Hasman said that might give Mr. McGuire the same kind of height that he might be looking for. Mr. McGuire responded they have kicked around the options and thought about it. He stated he could build anything, and actually it's really secondary, his finances need to catch up to his ambitions. He informed the Board they have an 18th century outbuilding, and he is in contact with the Norwalk Historical Society and the Brecksville Historical Society. He said he is trying to get everybody to help him get approval eventually with the Board of Zoning when he comes back to get a nice antique structure put back together. Mr. McGuire said he is working on this and knows it looks a little unsightly at the moment and is sorry about the tarps, but he has a good project in mind.

Mr. Rose asked Mr. McGuire about the arborvitae instead of a fence. Mr. McGuire responded with the fence they were talking about doing just ivy vines and doing it like a reverse stanchion. Lisa Dicaprio, Mr. McGuire's wife, stood up and introduced herself. Mr. McGuire stated she is the gardener. Ms. DiCaprio said they thought a fence would have more privacy than just trees and was even thinking about putting some arborvitae on the side where the fence stops. She said the fence would be a little more private with a solid fence there because you can still kind of see through trees. She said they have pine trees there too, and don't want anything to interfere with those either, but there are no limbs right there, it is all open.

Mr. Collin asked Mr. McGuire and Ms. Dicaprio if they have talked with their neighbors about their concern that they are spying on them, which is, he thinks, the word that shows up in their application. He also asked what their view is on why they put a camera on the back of the garage. Ms. Dicaprio responded it is beyond talking to the neighbor, but now they put a camera on the garage that's back there and you can see all the way into the property. Mr. McGuire stated it is a 360 zoom in, a high-powered camera that you could easily focus in on. Ms. Dicaprio said the neighbors do not have cameras anywhere else on their house. It's just right there in the backyard space. Mr. Collin said he takes it that Mr. McGuire and Ms. Dicaprio have not talked with their neighbors about putting a fence up and he is curious why six feet would be better than four feet, asking if that will get the job done or do they actually envision something considerably taller than that. Mr. McGuire answered with the trellis style posts higher up at nine foot because of the elevation of the neighbor's property, four-foot is really not going to do anything as far as a boundary for protection.

Mayor Hruby said some things took place over the weekend which caused some discussion. The reason the neighbor has put a camera on the side of the house is because it was alleged that this

gentleman before us was going into that yard and spying in on them, so to speak. The Mayor said the police told the neighbors they cannot do anything about them saying they are going into the yard, but we don't know that they are. The Police recommended putting in a camera and if they caught them going in the neighbor's area, the Police will do something. So the neighbors put in a camera over the weekend. Mayor Hruby continued, stating it got out of hand and it is time for all of us to say enough, and it is time for the two of you to try to get along. Mayor Hruby offered a proposal, the camera goes down. Speaking directly to Mr. McGuire and Ms. Dicaprio, Mayor Hruby asked the camera won't be needed any longer because you are not going on their property, correct? Mr. McGuire and Ms. Dicaprio responded correct, we don't. Mayor Hruby continued saying number two, I suggest to the Board that we agree to the six-foot fence, but find it difficult to agree to putting what Mr. McGuire is talking about putting on top of it because then it becomes a nine foot fence. Mayor Hruby said that is the offer that we talked about today on the phone and I cannot guarantee you that these other gentlemen and lady will vote for the six foot. He said this between the two neighbors has to stop and the only way for it to stop is to remove some of the problems. Mayor Hruby said with this hopefully they will both leave each other alone, pay attention to their own properties and that's the end of the story, before it escalates to the point that it's going to be a difficult situation to deal with, and he does not want to see that happen. He continued, stating this happens very rarely in this town but it is happening and I can tell you the way that it is progressing it is in your best interest to put it to rest and agree to some kind of a compromise between the two of you. Mayor Hruby said to Mr. Rose what he just said is just a recommendation. It's up to Mr. McGuire and Ms. Dicaprio to decide what they want to do.

Mr. Rose said he thinks before the Board hears from the audience, he asked Mr. McGuire if a six foot compromise would be acceptable if the camera comes down. Mr. McGuire said yes if he is not relying on an extra little bit of barrier to have some blockage from a camera.

Mr. Rose said let's hear from the audience. He thinks they have heard and understand Mr. McGuire and Ms. Dicaprio positions. Mr. Rose informed them they would have another chance if they need to respond to anything but it may not help. Mr. Rose asked if anyone from the audience wishes to speak to this appeal and to come up and identify themselves for the record.

John Hagen, 7003 Wallings Road. Mr. Hagen said they do not approve of a nine foot fence, stating that is ridiculous in the City of Brecksville and it shouldn't be allowed. Mr. Hagen said a six foot privacy fence is fine, but Mayor by you sitting there trying to make a compromise by having somebody wanting to take a security system down in their house, that's uncalled for. Mr. Hagen said if the neighbor wants to protect his property, he should be able to protect his property. Mr. Hagen said he also finds it disgusting that Mr. McGuire would bring up his children as the neighbors spying on him to watch his children. He said his neighbors are good fine people. They are both public school teachers and they both have daughters the same age as Mr. McGuire does and by him insinuating that somebody is watching his children is disgusting. Mayor Hruby responded he is trying to solve a problem that is elevating and elevating, and that soon might end up in a real problem. Mr. Hagen said that is understandable. Mayor Hruby said all he is saying is Mr. McGuire says to take the camera down and put it in another place so it's out of sight. Mr. Hagen said if it's put in another place that is all right. Mayor Hruby said it is up to the neighbor, he cannot make him take the camera down. He continued, saying the other thing is then he gets

the fence down to a height that's reasonable and we put this thing to rest. Mr. Hagen responded sounds good, thank you, sir.

Mr. Rose asked if anyone else wished to speak to this appeal. Seeing none he asked for a motion to close.

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

MOTION CARRIED

APPEAL 2021-12

Dolphin Electric for Mike Valente for a variance from Section 1326.02 to install a generator in the front of the house instead of the rear as required by code located at 5395 Miller Road, PP# 604-04-013.

A Dolphin Electric Representative, nor Mr. Valente, were in attendance. Mr. Rose tabled the appeal to next month.

APPEAL 2021-13

Abigail and Andrew Moleski for (1) a variance from Section 1185.03(a) maximum fence height of 4 ft. to allow 6 ft., and (2) a variance from Section 1185.03 (a) to allow a fence in front of the building line on a through lot (not allowed) located at 9315 Lawnpark Drive, PP# 603-08-045.

Abby Moleski and Andy Moleski introduced themselves to the Board. Mrs. Moleski explained their request stating they are looking to install a fence at the end of their property line facing Route 21. She was not aware that it is a through lot so it is considered to have two front yards. She said they are asking for the variance to put a fence in as well as an additional variance to have it be six foot high. She explained they are on a pretty big slope on Route 21 and that is why they are asking for the six foot rather than the four foot, to mitigate for safety reasons and to mitigate some of the headlights that they see frequently. Mrs. Moleski said they are at a location that seems to be a favorite for traffic stops and they are looking for a barrier from that main drag. They have two children and a dog. She said they are not looking to fence by the sides with neighbors, and they are getting an electric fence for the dog. She said they are wanting a visual there too and many of the other properties there, a couple of them, actually do have fences, but all of the other properties on Lawn Park that are facing 21 have a wooded barrier or a hill that was landscaped in.

Mr. Rose asked Mr. Synek that it seemed odd because the way most of those yards are protected from 21 by the landscaping, with a mound. He asked if there was any history why that particular lot is like there's a hole in the mound, asking if Mr. Synek had any knowledge of why that is. Mr. Synek responded he has no knowledge of the history of that lot. Mr. Rose asked Mayor Hruby who also responded no. Speaking to Mr. and Mrs. Moleski, Mr. Rose asked is it feasible to now put a mound, tear things down, build it and put trees on it and then they would have the same protection as everyone else. Mr. Synek said yes it is, not sure financially but technically yes. He said it would be a major engineering job because they would be changing waterways and other

things. Mrs. Moleski said they do have a water way that goes between their house and their neighbor's house.

Mr. Rose stated he saw from pictures they did plant a little. Mrs. Moleski replied yes, she planted eleven of those and the other ones that were planted grew up too tall and all the branches are 30 feet up. She said by the time they grow to provide any blockage, the dog and the kids will be in college.

Mr. Caruso asked if the fence would be in front of those trees that they planted or behind them, closer to the sidewalk or closer to the house. Mrs. Moleski responded it would be closer to Brecksville Road. She said she would like it as close to the tall pine trees as she can get it, but there is some flexibility on that if need be. However, she said, she does not want to cut off a ton of the yard either with it. She had talked to a landscaper that said something about mounding and then landscaping on top of mounding but he said it would be around twenty thousand dollars for that. Mr. Rose wanted to clarify what they are asking for is the fence to be in front of the trees. Mrs. Moleski responded that is what they are asking for, but said she would consider putting it on the other side if need be.

Mayor Hruby wanted to confirm the fence was to block the lights coming from the park maintenance drive. Mrs. Moleski replied yes, and said she believes it is employees in the park maintenance drive, but also believes there are also police officers that sit there because very frequently there's headlights there. She said she can see them from her dining room table and there are also a lot of traffic stops right there. They pointed out a picture on the presentation showing a traffic stop at night from their living room. Mr. Moleski pointed out that the traffic stop is on the opposite side of the street, saying when it's coming the other way, it's even closer. Mr. Moleski told the Board his concern is if anybody decides to get out of a car and run, they're running into their yard because there's nothing in that space, there is nothing to stop them and even as somebody pointed out every other neighbor has some sort of built-in barrier either through landscaping or a fence that would prevent that. Mr. Moleski said they are the one yard on the street that doesn't have that.

Mr. Caruso said he noticed their neighbor, if you're facing the front of their house to the right, they have more of a hitch post style fence that seems to blend in a little bit better. Mr. Moleski said the neighbor also has a lot more woods back there as well a lot more brush that they probably have about six to twelve feet of pretty thick woods that are there as well.

Mr. Hasman was curious to know if Mr. and Mrs. Moleski were relative newcomers to this home or have they lived with this problem for a long time. Mrs. Moleski responded this was her grandparents' home, and the big pine trees were planted by her grandfather. She said she had no idea it was a through lot, she did not know that it had two front yards, but they bought it about five years ago. Mrs. Moleski said she grew up here. Mayor Hruby asked if she was a Sternad. Mrs. Moleski responded yes, she is the oldest of Ed's daughters.

Mr. Hasman said when he was going south on 21, he saw a couple of pink stakes or stakes with pink flags very close to the sidewalk. He asked if those just mark the northern and southern boundaries of the property or are those actually where the fence would go. Mr. Moleski responded

that is just the property line. He said they had it surveyed and so they marked where the property line is so that the fence builders could come in and look at it and they would know where the property line was. Mr. Hasman also noticed in the backyard there were a lot of white stakes, asking if those were going to be the boundaries of their new invisible fence. Mrs. Moleski confirmed that was the boundaries of their new invisible fence. Mr. Hasman said, just to clarify, how far off of the sidewalk from 21 towards their house will the fence be.

Mrs. Moleski explained their property line is three feet from the sidewalk and they want to put the fence four and a half feet from the sidewalk. Mr. Hasman said it would be very clear to see from the roadway. Mr. Hasman said he noticed in their write-up that they have tried to put some vegetation there, and asked if they could tell the Board a little bit about their experience with that. Mrs. Moleski said she did plant the smaller trees, and they are the green arborvitae type trees. She said she planted eleven of them herself a couple years ago and they look great, but it is a lot of space to fill and it does not really do much. She said the pine trees do nothing anymore because their branches are thirty feet. She said that was their first line of defense, to try and plant those eleven trees, and they look nice but they just don't block, it still looks very open from the street which is what she is trying to avoid.

Mr. McCrodden asked in the event that Mr. and Mrs. Moleski were to receive approval of the four-foot fence at the distance closest to the road, but did not get approval for the six-foot fence, would they still build the four-foot fence. Mrs. Moleski responded probably. She said she is flexible though with putting it back behind the large pine trees and in front of the smaller trees. She said she would rather have the six foot fence in front of the pine trees, closer to her house, and then if not she would do a four foot fence behind the pine trees, closer to the street.

Mr. McCrodden said for clarity, would she put the four foot fence behind the smaller pine trees would that be an equivalent height to the six-foot fence near the sidewalk. Mr. Moleski responded no, the grade is not that steep there and it's maybe only a five-foot difference, there is a lot of space between the small pine trees and the larger pine trees, and honestly, because of the grade of the hill four feet would not make any difference from the lights or from the traffic. Mr. Moleski said it would not be a physical deterrent to maybe anybody who's pulled over on the side of the road. Mrs. Moleski said the difference between just a four foot fence and a six foot fence for a grown man looking over a fence is significant enough to request the variance, and the lights too.

Mr. Hasman said it looks like the proposal is for the fence to go across the entire back lot, but would it be possible to put in a much shorter fence that would take care of 80 percent of their issue which is the headlights coming from the service driveway. He suggested a ten foot or fifteen foot fence to block that.

Mrs. Moleski said the problem with that the service lot is almost caddy corner to them and their lot, a centered fence would not block out the lights from the service driveway. She explained the driveway is not directly across the street it is slightly to the left. The need is across the entire lot.

Mr. Rose asked if they have considered instead of the pines you try to grow a hedgerow of some kind because hedges grow quickly together, they can get somewhat tall. Mrs. Moleski said she has talked to a couple landscapers and no one has brought up a hedgerow. She said they could try and plant something else again, but feels that they have gone through a couple trials of planting things

and are just not confident that it is going to have enough light that they will thrive with the roots of the pine trees and everything else.

Mr. Collin asked Mr. Synek to go to the slide that shows the sidewalk and the trees on 21. Mr. Collin said let us assume you build a fence the entire width of your lot, these trees are irregularly spaced in relation to how far away they are from the sidewalk. He asked what is their proposal as to the position of the fence, is it going to go in front of some of the trees and behind some others. Mrs. Moleski responded she would ideally like the fence to be in front of all of the trees, closest to the sidewalk. Mr. Collin said that would get them pretty close to the sidewalk by four and a half feet. Mrs. Moleski said as an alternate, she would consider going behind the large trees and in front of the small arborvitae. She said it does not look like there is a gap, but there is a four to six foot gap between those two trees. Mr. Caruso said looking at the grade if they were to put the fence on the house side of the small ones or as a compromise in between the two rows of trees, it seems like a five foot fence will get the height to accomplish both goals and get the fence so it is not right on the sidewalk. Mr. Moleski said five foot would probably be acceptable, but six feet, again, is their preference.

Mr. Rose opened up questions to the audience. Hearing none, he asked for a motion to close.

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

MOTION CARRIED

APPEAL 2021-14

Donna Haire for a variance from Section 1152.25(d)(1) maximum 660 square feet to allow 1248 square feet for the construction of a detached garage located at 9885 Greenhaven Parkway, PP# 601-10-019.

Ms. Haire thanked Mr. Rose for describing the variance requested, she said the hardship is that this size garage would provide her with much necessary storage, it would eliminate the physical difficulty of carrying heavy lawn furniture, bicycles, and lawn equipment, up from her basement. She said it would increase safety and security of her vehicles by getting them out of her driveway, and it would decrease the potential for vehicle theft. Ms. Haire said again, it would be a lot more secure for her vehicles to be secure in a garage and would also eliminate the eyesore of having multiple vehicles in her driveway, and additionally, this one variance request would also reduce the eyesore of me having multiple detached garages in her backyard, on her property, which is needed again, to meet her storage requirements. She said she knows the Board has a list in front of them of more detailed seven points she submitted. She said those are a nice high level summary of what is most important. Mr. Rose asked how old the home is. Ms. Haire responded it was built in 1991. Mr. Rose confirmed with Mr. Synek that the other solution for Ms. Haire would be multiple buildings in her backyard, to which she'd be allowed to do. Mr. Synek said correct. Mr. Rose confirmed this is a kind of compromise to that solution. Mr. Rose asked Ms. Haire if this building will have all the appropriate drive to it, she was not asking for a variance from that. Ms. Haire confirmed just one variance, size only.

Mr. Rose noted for the record that at least one of her neighbors has said that they were fine with it, a neighbor who lives at 9885 Greenhaven. Mr. Rose asked her if she has spoken to her other neighbors. Ms. Haire said she spoke with one who is here in the audience today, they showed up and said they support it, but otherwise no, she only spoke with those two neighbors.

Mr. McCrodden said the drawings that she submitted suggest that there will be garage doors on the front, which will be approached through the concrete driveway. He asked if the other set of garage doors, on the side, if she ever anticipates driving vehicles in and out of the side garage door. Ms. Haire responded no, absolutely not.

Mr. Hasman said as he viewed the site he was a little concerned by the size of the building that she wanted to put there, particularly since it seems to be a fairly closed in area. He said it is not an open-ended backyard with wide open spaces. He asked Ms. Haire how she arrived at the size of this unit. She replied based on her needs, with the number of vehicles that she has, the lawn furniture that's out there, this size garage won't even meet all her needs but she felt that based on the size of her property and meeting the majority of her needs this would work.

Mr. Caruso asked if the orange stakes that were in the back are where she is planning the garage to go. Ms. Haire responded that is correct.

Mr. Rose asked if anyone from the audience would like to speak to this appeal. William Cohn of 9604 Fitzwater Road took the podium. He said their backyards face into each other and he had some concerns. Mr. Cohn said when he got the letter he looked up the size of the proposed garage and it appears like a four car garage right in the backyard, and it seems very large. He said that when they are entertaining the sound comes right into his yard. He said driving up to the garage would lead to more light. Mr. Cohn the houses on Greenhaven, Fitzwater, and some on Tanager all the backyards pool together in that area and Ms. Haire's backyard is one of the middle points. He said he feels if a garage the size of a small house was in their backyard it would negatively impact the area. He also said the garage is so large he feels it would not just be for storage, maybe an addition to their outdoor setup.

Martha Stephens of 9911 Greenhaven said she is two doors east of the property. She said she is also concerned about the size and she just can't imagine that a four-car garage is necessary when there's already a two-car garage incorporated into the home and there is a circular driveway in the front. Ms. Stephens said she is a little concerned that there is going to be a business or a different purpose of the building, it just seems very large to her for a residential neighborhood.

Mr. Rose asked Ms. Haire if she is intending to run a business out of this garage. Ms. Haire responded absolutely not, it is not even in her line of work, she is in the healthcare industry and she does global regulatory affairs which have no need for a garage. She stated this is for the storage of her vehicles and also for all of her lawn furniture, which she needs to store in the winter and her basement is full. She said she does want to mention again, because she believes it is not evident to her neighbors who just spoke, but she can absolutely build two 660 square foot garages, she could probably build three. She said she thought that this would be the better option in terms of just having one building, which aesthetically will look very nice. Ms. Haire said she also has a lot of large trees all around her property which she thinks is to the benefit to her neighbors. She said she

does invest heavy in the landscaping of her property and many know she also received the beautification award. Ms. Haire said her desire is to ensure that my neighbors have something nice to look at, not just a garage.

Ms. Roberts asked to clarify for storage, how many vehicles will have a home in this garage. Ms. Haire responded potentially three vehicles, plus a riding lawn mower, snow blower, four bicycles, and lawn furniture. She said her side garage is actually only large enough to hold her one SUV. She said because of it being a side garage it is too difficult to make the turn, so the plan would be that she could use her existing garage for her one vehicle and then she could put the other vehicles in the detached garage. Mr. Hasman asked for clarification of vehicles, like cars or trucks, motorcycle, or SUVs. Ms. Haire responded four-door sedans, two-door sedans, and SUV. She said no trucks.

Mr. Collin asked Ms. Haire how long she has lived in this residence. She responded since 2001.

Mr. Rose, hearing no further questions asked for a motion to close.

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

MOTION CARRIED

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS - Brecksville City Hall
APRIL 12, 2021**

Present: Roberts, Caruso, Hasman, Hruby, Collin, McCrodden, Rose

Absent: None

Others: Building Inspector Synek, 14 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF MARCH 8, 2021

Motion by Mr. Collin, seconded by Ms. Roberts, to approve the Regular Meeting minutes of March 8, 2021, as recorded.

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

APPEAL 2021-11

Mr. McCrodden said before making the motion he wanted to inform the Board and the applicant that when making the motion, he is going to limit it to six-foot fence height, eliminate the nine foot fence height and eliminate the reverse stanchion type of fence. So with that understanding, I'll go ahead and make the motion.

Mr. Rose asked before Mr. McCrodden makes the motion, we did not have the neighbor who's here and also as discussed about the compromise it would be six feet but their camera will be someplace else, not pointing into your backyard, but he does not know if that is going to happen or not. Speaking to Mr. McGuire, Mr. Rose said you heard the motion making it a six foot fence, which at least then gives a barricade. He asked Mr. McGuire if he is fine with the Board making that amendment. Hearing a yes, Mr. Rose asked Mr. McCrodden to continue with the motion.

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 1185.03 (a) maximum fence height of 4ft. to allow 6 ft. for a total of 50 lineal feet of fencing, as shown in the drawings dated March 2, 2021, located at 7960 Brecksville Road, PP# 601-02-024.

ROLL CALL: Ayes: Caruso, Hasman, Hruby, Collin, McCrodden, Roberts, Rose
Nays: None
MOTION CARRIED

After the vote Mr. Rose explained the Board has only recommended this to City Council to approve it. That does not mean it is approved. City Council will vote next week. He said it is a public meeting but not a public hearing because they generally do not have a new hearing on the whole thing. If you cannot attend virtually or otherwise, call the Building Department on a week from

Wednesday and they will tell you whether City Council approved it. He told Mr. McGuire he has six months to act on it, and if he does not act on it, it will lapse. Mr. Rose said he is hoping, as the Mayor said, this is the start of a way to start building fences to mend fences, as they say. Mayor Hruby said to enter into the record, between now and the Council Meeting, he will talk with the neighbor and will let Mr. McGuire know what his response is regarding this compromise.

APPEAL 2021-13

Motion by Mr. Caruso, seconded by Mr. McCrodden, that the Board of Zoning Appeals recommend to City Council approval for amended variance to place the fence between the small pine trees and the large pine trees and for (1) a variance from Section 1185.03 of a maximum fence height of four feet to allow five feet and (2) a variance from Section 1185.03 to allow a fence in front of the building line on a through lot not allowed located at 9315 Lawn Park Drive, PP# 603-08-045.

ROLL CALL: Ayes: Roberts, Caruso, Hruby, Collin, McCrodden, Rose
Nays: Hasman

MOTION CARRIED

Mr. Rose thanked the appellants for the compromise.

APPEAL 2021-14

Motion by Mr. Collin, seconded by Ms. Roberts, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1152.25(d)(1) maximum 660 square feet to allow 1248 square feet for the construction of a detached garage located at 9885 Greenhaven Parkway, PP# 601-10-019.

ROLL CALL: Ayes: Collin, Caruso, Hruby,
Nays: McCrodden, Roberts, Hasman, Rose

MOTION DENIED

REPORT OF COUNCILMEMBER CARUSO

No Report

REPORT OF MAYOR HRUBY

Mayor Hruby announced May 15th is Shred Day from 9:00 am to 12 noon. He also announced Chief Goodrich has decided to retire and will be leaving the City the first week in May, and he is going to be missed. He said Goodrich been an outstanding Chief and much more will follow about him in the Bulletin and at the City Council meetings. Mayor Hruby also announced the retirement of Fire Lieutenant Zimlich in the middle of May, as well as the unfortunate and sad announcement of the passing of former Councilman David Deuch. Dave served on City Council for about 12 years and was City Council President two years. He was a gentleman and the City, too, will say a lot of nice things about him in the Bulletin and the legislation before City Council. Mayor Hruby

said it is so sad to see him go, and he will be missed. We send our sympathies to his family, his son and daughter live here in town and their grandchildren, it is a sad thing, his life ending so young. We are so very sorry for the family.

Mr. Rose asked to add to the record the update regarding conditional variances that will lapse. Law Director DiGeronimo said the City Code does not allow for this.

Motion by Mr. Hasman, seconded by Mr. McCrodden to close the Regular Meeting at 8:32 p.m.
MOTION CARRIED

THE BRECKSVILLE BOARD OF ZONING APPEALS

DENNIS ROSE, CHAIRPERSON

ROBERT HASMAN, VICE CHAIRPERSON

KATHLEEN ROBERTS, SECRETARY

Public Hearing and Regular Meeting recorded by Kristen Kouri