

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
MARCH 8, 2021**

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

Absent: None

Others: Building Inspector Synek, 4 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APPEAL 2021-09 - WITHDRAWN

Aaron Rodenbaugh for Cuyahoga Valley Career Center for a variance from Section 1153.32, minimum required 200 ft. side yard, to allow 52.9 ft. for the construction of a pre-engineered metal storage building located at 8001 Brecksville Road, PP# 601-10-034.

APPEAL 2021-10

Lori Nowak for a variance from Section 1185.03(a) maximum fence height of 4 ft, to allow a 6 ft. board on board fence located at 7055 Ashlawn Drive, PP# 601-02-063.

Mr. and Mrs. Nowak spoke to the Board regarding their appeal. Ms. Nowak stated that they were requesting a variance for the height of a fence, due to her four year old son that has Autism. She went on to explain, that her son was diagnosed when he was two years old. She stated that her son is a runner, and he doesn't respond to his name being called, or commands like "stop", "don't go near the street", commands that a normal four year old would understand. Mr. Nowak stated that his son is extremely athletic, and likes to climb, and they are worried about him climbing over a 4 ft. fence. The neighbors behind them, have a large in-ground swimming pool. There is currently a fence there, but it is falling down, and will be removed. They would like to be able to just go out back where it will be enclosed, and let their son run around and play, and not worried about him darting out into the street, where there is a decent amount of traffic. Ms. Nowak stated that her son is very fast, and she has a hard time chasing after him. She explained that because of that, he can't go outside until her husband is home, and some nights he doesn't get home until her son is getting ready for bed. Ms. Nowak stated that as a mother, she didn't feel that her son's disability should keep him from being able to play outside.

Mr. Collin stated that he was out to look at their property from both Ashlawn as well as the side street. He explained that he had a few questions, not about the height of the fence, but had a question about the placement of the fence, and the shed in the backyard that looked close to the property line. Mr. Nowak stated that the shed is 10 ft. from the side and back property lines. Mr. Collin asked how many feet away from their neighbor's property line would the fence be. Mr. Nowak stated that they would probably go just on the inside of their property line. The

fence in the back will come down, but not until the new fence would be installed, and the fence will be on their property. Mr. Collin explained that he questioned it, because of the existing fence that was already along the back side of the property, but stated, that if the fence will be removed, that answered his question. Mr. Nowak stated that they have spoken with the neighbor and they are on board with it.

Mr. Rose asked for clarification from Mr. Synek regarding the placement of the fence. Mr. Synek explained, that there was a discussion with the owner, and that City ordinance does not allow back to back fences, so the existing neighbor would have to either remove their fence, or, they would have to place their fence at least 4 ft. from the lot line. Mr. Rose asked Mr. Synek to clarify, that wherever they were going to place the fence, off the property, was fine as far as the City was concerned. Mr. Synek stated that was correct.

Mr. Rose stated that the Nowak's situation is really a safety hardship, because of their specific situation. Mr. Rose made a suggestion to the Board, of possibly amending this variance to be applicable only to the Nowak's, but that the Board could discuss it more before the vote.

Mr. Rose opened up questions to the audience. Daniel Marek, 7056 Ashlawn Drive spoke to the Board. He stated that he lived across the street, and came to support the Nowak's in their project, and had no issue with it.

Mr. Rose wanted the record to reflect that the Nowak's did have letters of support from Paul & Beth Jones, 7061 Ashlawn Drive, and Joe & Kim Ashe, 7779 Coachman Court.

Motion by Mayor Hruby, seconded by Mr. McCrodden to close Public Hearing.

MOTION CARRIED

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Absent: None

Others: Building Inspector Synek, 4 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF FEBRUARY 8, 2021

Motion by Mr. Collin, seconded by Mr. Caruso, to approve the Regular Meeting minutes of February 8, 2021, as recorded.

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

MOTION CARRIED

Prior to the vote, Mr. McCrodden suggested amending the variance to be approved for a 6 ft. fence, specifically for the Nowak family only. He wanted to amend it with the words, “providing the applicants family lives at this address”, and wanted to make sure the Nowak’s were okay with amending it that way. The Nowak’s stated that they were. After Mr. McCrodden read the variance, and it was motioned and seconded, the Mayor brought up the fact that the City’s code allows variances to last forever on a property. The Board discussed what the effects of amending that would be to future property owners, as well as several other options about making it a conditional amendment. After a discussion amongst the Board members, the Board decided to vote on the appeal without any amendment added to it.

APPEAL 2021-10

Motion by Mr. McCrodden, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1185.03(a) maximum fence height of 4 ft, to allow a 6 ft. board on board fence located at 7055 Ashlawn Drive, PP# 601-02-063.

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

MOTION CARRIED

REPORT OF COUNCILMEMBER CARUSO

No Report

REPORT OF MAYOR HRUBY

No Report

Motion by Mayor Hruby, seconded by Mr. Caruso to close the Regular Meeting at 7:46 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 Gina Zdanowicz