

MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
JULY 8, 2024
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PRESENT: Nora Gagliano, Robert Hasman, Brian Stucky, Mayor Kingston, Tom Collin, Ken Jayjack,
Dennis Rose
ABSENT: None
OTHERS: Monica Bartkiewicz and approximately 14 guests

PUBLIC HEARINGS

Mr. Rose started the meeting at 7:30 pm with an explanation of the code, the job of the Board of Zoning Appeals Committee, and the process of appeal.

APPEAL 2024-22 Wayne Jatsek for 6864 Chaffee LLC

Wayne Jatsek on behalf of 6864 Chaffee Court, LLC for a variance from Section 1119.09(d) that public sidewalks be installed to not install public sidewalks until such time as the City deems appropriate and from the Section 1117.09 that lots be generally rectangular in form to allow an irregular form for Parcel 2, as shown on the application dated June 6, 2024, located at 6864 Chaffee Court, PPN 601-33-024.

Mr. Jatsek explained that the irregular lot is created by the topography on the lot with a large drop off at the rear of the site.

Mr. Paul George, 6829 Chaffee Court is opposed to the lot split.

Mr. Rose pointed out that the lot splits would line up with the existing homes nearby.

Mr. Hasman asked for purpose of the lot split. Mr. Jatsek explained it was an economic need for the two lots for building to be profitable.

There being no further questions, Mr. Rose called for a motion to close the Public Hearing. Ms. Gagliano made the motion, seconded by Mr. Collin. Mr. Rose called for a voice vote: there being no Nays the motion to close the Public Hearing was approved.

At approximately 8:00 pm Mr. George requested to ask another question about this project. Mr. Rose asked for objections to reopen the public hearing. There were no objections.

Mr. George questioned the lack of a sidewalk for the property. He believes there is a safety issue that should be requiring a sidewalk for those who walk by the property, especially children walking to school.

Mr. Rose called for a motion to close the Public Hearing on this project. Mr. Stucky made a motion, Mr. Hasman seconded.

Mr. Rose called for a voice vote: there being no Nays the motion to close the Public Hearing was approved.

APPEAL 2024-24 Cynthia Habig for Richard Habig

Cynthia & Richard Habig appeared seeking a variance from Section 1185.03(a) that the maximum permitted fence height be 4 ft to allow 6 ft as shown on the application dated June 19, 2024, located at 6867 Oakes Road, PPN 603-08-072.

Richard Habig advised the Committee that there is a temporary type of 6' fence already in place. He advised that they had tried electric fencing for containment of dogs.

Mr. Rose asked if plan to put a 6' fence around the whole property. Mr. Habig said no plans for that.

Mr. Stucky pointed out that the landscaping at the back of the yard probably is shielding the fence from that neighbor. Mr. Habig stated that was correct and that the neighbor on the side had no objection.

Mayor Kingston asked why not a 4' fence. Mr. Habig said dogs could put their paws on crossbars of 4' fence and he fears they could jump over it or peak their heads over and bark and cause a nuisance. Mayor Kingston asked what kind of dogs they are. Mr. Habig stated they are husky shepherd mix, yellow lab & beagle coonhound.

Mr. Collin asked about intents to expand the current 12' x 12' fencing. Mr. Habig pointed out the driveway eliminated that possibility. Mr. Collin asked if they contemplated that they wouldn't be able to contain the dogs when they got them. Mrs. Habig said they thought electric fence would have contained them.

Mr. Rose asked if a 4' fence would contain them. Mrs. Habig shared that the dogs are large breed and one is a jumper. With the corner lot and parking occurring in the front of their lot, they believe a safety issue existed as the dogs' bark and would run to greet the public in that area. Mr. Rose asked about the use of dog runs and Mrs. Habig said they had tried a large crate of sorts and returned the first day to a dog with a bloody face who had been trying to escape the containment.

Mr. Hasman asked about consideration of painting the fencing so it matched the house and be less of an eye sore. Mrs. Habig was in favor of that.

Mr. Stucky asked if 5' fence would work. Mrs. Habig stated that it came as a 6' fence.

There being no further questions, Mr. Collin made a motion to close the Public Hearing; seconded by Ms. Gagliano.

Mr. Rose called for a voice vote: there being no Nays the motion to close the Public Hearing was approved.

APPEAL 2024-25 Brian Giovinazzi for Larry & Hailey Nance

Toni Vicanti, attorney, appeared on behalf of Larry & Hailey Nance for a variance from Section 1117.09 that lots be generally rectangular in form to allow irregular form for Lots A, B and E; from section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate; and from Section 1151.21 that each lot shall abut a dedicated street for a distance not less than 60% of the lot width set for in 1151.22 to allow 39% for Lot A; as shown on the application dated June 12, 2024, located at E Edgerton Road, PPN 604-02-001.

He explained the unusual property with substantial wetlands creates the unusual size and location of the lots as well as a creation of a retention pond on Lot A to decrease the amount of waterflow to neighboring land.

Mr. Kyle Salisbury, engineer, also talked to the placement of houses on the lots.

Mr. Rose asked about the status of a permit from the Army Corp of Engineers. Mr. Salisbury explained that they have been working closely with both the ACE and the City Engineer related to the variety of water issues facing the property as well as with the EPA related to the wetlands. Mr. Salisbury stated that the application to the ACE will be filed shortly as final plans are completed.

Mr. Stucky asked about intent with sanitary systems. Mr. Vicanti replied that the shift to a major subdivision negated the need for a separate septic system to be installed at the property. Instead, they will now be allowed without need for a variance to run connections to the public sanitary system.

Mr. Hasman asked about the proposed placement of homes on the lots. Mr. Salisbury explained that the majority of the land is actually a spring area. So, the placement of the homes on lots, to obtain appropriate sizes of homes with maximized yard usage was done. The placement considered the existing setback zoning laws and they do not anticipate any additional variances being required.

Mr. Stucky pointed out that sidewalks were not likely feasible as they would require culverts due to the water issues at the site.

There being no further questions, Mr. Collin moved to close the Public Hearing; seconded by Mr. Hasman.

Mr. Rose called for a voice vote: there being no Nays the motion to close the Public Hearing was approved.

APPEAL 2024-26 David Sabol for Alex Denigris

Alex Denigris appeared for a variance from Section 1151.25(d) that a detached private garage be a maximum of 660 sq ft to allow 3,500 sq ft, and a variance from Section 1181.11 that the maximum accessory building height be 15' to allow 20'8", as shown on the application dated June 19, 2024, located at 13209 Station Road, PPN 602-31-010.

Mr. Hasman asked if the home has a basement. Mr. Denigris replied it did not.

Mr. Stucky asked if he intended the new structure to have a basement, Mr. Denigris replied there were no plans for a basement.

There being no further questions, Mr. Jayjack moved to close the Public Hearing; Mr. Stucky seconded the motion. Mr. Rose called for a voice vote: there being no Nays the motion to close the Public Hearing was approved.

MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH w BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
JULY 8, 2024
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PRESENT: Nora Gagliano, Robert Hasman, Brian Stucky, Mayor Kingston, Tom Collin, Ken Jayjack, Dennis Rose
ABSENT: None
OTHERS: Monica Bartkiewicz and approximately 14 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF JUNE 10, 2024

Mr. Collin called for a motion to approve the Regular Meeting Minutes of June 10, 2024; seconded by Mr. Hasman.

ROLL CALL: AYES: Nora Gagliano; Robert Hasman, Brian Stucky, Mayor Kingston, Tom Collin, Ken Jayjack, Dennis Rose
ABSTAIN: none
NAYS: none
MOTION CARRIED

DISCUSSION OF CURRENT APPEALS:

Appeal 2024-22 Wayne Jatsek for 6864 Chaffee LLC

Mr. Hasman made a motion and Ms. Gagliano seconded that the Committee recommend and forward to City Council for their consideration, the request of Wayne Jatsek on behalf of 6864 Chaffee Court, LLC for a variance from Section 1119.09(d) that public sidewalks be installed to not install public sidewalks until such time as the City deems appropriate and from the Section 1117.09 that lots be generally rectangular in form to allow an irregular form for Parcel 2, as shown on the application dated June 6, 2025, located at 6864 Chaffee Court, PPN 601-33-024.

ROLL CALL: AYES: Robert Hasman, Brian Stucky, Mayor Kingston, Tom Collin, Ken Jayjack, Nora Gagliano, Dennis Rose
ABSTAIN: none
NAYS: none
MOTION CARRIED

Appeal 2024-24 Cynthia Habig for Richard Habig

Mr. Collin made a motion and Ms. Gagliano seconded that the Committee recommend and forward to City Council for their consideration, the request of Richard and Cynthia Habig for a variance from Section 1185.03(a) that the maximum permitted fence height be 4' to allow 6' as shown on the application dated June 19, 2024, located at 6867 Oakes Road, PPN 603-08-072.

ROLL CALL: AYES: Mayor Kingston, Ken Jayjack, Nora Gagliano, Dennis Rose
ABSTAIN: none

NAYS: Brian Stucky, Tom Collin, Robert Hasman
MOTION CARRIED

Appeal 2024-25 E. Edgerton, Larry & Hailey Nance

Mr. Jayjack made a motion and Mr. Collin seconded that the Committee recommend and forward to City Council for their consideration, the requests of Larry & Hailey Nance for a variance from Section 1117.09 that lots be generally rectangular in form to allow irregular form for Lots A, B and E; from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate; and from Section 1151.21 that each lot shall abut a dedicated street for a distance not less than 60% of the lot width set forth in 1151.22 to allow 39% for Lot A, as shown on the application dated June 12, 2024, located at E. Edgerton Road, PPN 604-02-001.

ROLL CALL: AYES: Mayor Kingston, Tom Collin, Ken Jayjack, Nora Gagliano, Robert Hasman, Brian Stucky, Dennis Rose
ABSTAIN: none
NAYS: none
MOTION CARRIED

Appeal 2024-26 Alex Denigris

Ms. Gagliano made a motion and Mr. Stucky seconded that the Committee recommend and forward to City Council for their consideration, the request of Alex Denigris for a variance from Section 1151.25(d) that a detached private garage be a maximum of 660 sq ft to allow 3,500 sq ft, and a variance from Section 1181.11 that the maximum accessory building height be 15' to allow 20'8", as shown on the application dated June 19, 2024, located at 13209 Station Road, PPN 602-31-010.

ROLL CALL: AYES: Tom Collin, Ken Jayjack, Nora Gagliano, Robert Hasman, Brian Stucky, Mayor Kingston, Dennis Rose
ABSTAIN: none
NAYS: none
MOTION CARRIED

REPORT OF COUNCIL REPRESENTATIVE STUCKY No report.

REPORT OF MAYOR No report.

ADJOURNMENT The meeting was adjourned at 8:25 pm

THE BRECKSVILLE BOARD OF ZONING APPEALS

A handwritten signature in black ink, appearing to read "Dennis Rose".

DENNIS ROSE, CHAIRPERSON

THOMAS COLLIN, VICE CHAIRPERSON

A handwritten signature in black ink, appearing to read "Thomas Collin".

NORA GAGLIANO, SECRETARY

Public Hearing and Regular Meeting recorded by Debbie Knox

A handwritten signature in blue ink, appearing to read "Debbie Knox".