

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
JULY 7, 2025**

Present: Collin, Gagliano, Hasman, Jayjack, Kingston, Stucky, Rose
Absent: None
Others: Abby Jakobsky, and approximately 10 guests

PUBLIC HEARINGS

Mr. Rose began the meeting with an explanation of the code, the job of the Board of Zoning Appeals Committee, and the process of appeal.

APPEAL 2025-36

John Kozanas request for a variance from Section 1151.24 minimum 125' front yard setback to allow 89.83' for the construction of a deck on a non-conforming house, located at 8754 Riverview Road, PPN 602-17-024.

John and Bessy Kozanas, explained that they were present to ask for a variance for a front yard setback for the creation of a deck. Mr. Rose explained since their house is nonconforming, what they attend to build here must come to the board for a variance, which is their hardship. With no other questions, there was a motion to close.

Motion by Mr. Jayjack, seconded by Ms. Gagliano to close the Public Hearing.

ROLL CALL: Ayes: Collin, Gagliano, Hasman, Jayjack, Kingston, Stucky, Rose

Nays: None

MOTION CARRIED

APPEAL 2025-37

Carly and Andrew Keserich request for a variance from Section 1185.03 (a) to allow a 4' tall post and rail fence around the pond in the front yard (not allowed), located at 11401 Snowville Road, PPN 605-18-003.

Andrew and Carly Keserich, were present to explain to the board that they are hoping for a variance to allow a 4 ft. fence around their pond in the front yard. Ms. Keserich is worried about the possibility of drownings which is their hardship, and they have one child and one on the way. Mr. Rose said there are very few fences around ponds in front yards, and asked if the homeowner thought of any alternatives. Ms. Keserich stated they have thought of more temporary options, but thought this was the best fit. Mr. Hasman asked why the fence needed to be 4 ft. and Ms. Keserich explained that 4 ft. is the standard, but asked if she could put up a 3 ft. fence. It was confirmed that a 3 ft. fence will still need the variance because it is located in the front yard. Mayor Kingston and Councilmember Stucky both explained they understand the importance of safety, and Mayor Kingston said the fence is far back from the road and will not be too visible.

Dave Williams, immediate neighbor, located at 11331 Snowville Road, stated he is in favor of the fence, and explained he understood the need for the fence in this location because of the pond and for safety. He does not believe that the fence would change the look of the pond for him. Mr. Rose, followed up and stated safety is a very important factor. Councilmember Stucky said when the kids get older they will be able to climb over the fence, and Ms. Keserich explained that one child is in swim lessons. Ms. Keserich also states that kids climb very quickly, and the fence can help her buy some time, and again is just worried about drownings. Mr. Hasman stated the 3 ft. fence may be a more economical route. With no other questions, there was a motion to close.

Motion by Mr. Jayjack, seconded by Mr. Hasman to close the Public Hearing.

ROLL CALL: Ayes: Collin, Gagliano, Hasman, Jayjack, Kingston, Stucky, Rose

Nays: None

MOTION CARRIED

APPEAL 2025-38

Anna Capaldi, on behalf of The Drees Company request for a variance from Section 1183.03(a) 4' maximum fence height to allow 5' for a chain link fence, located at 6714 Westview Dr, PPN 603-20-018.

Anna Capaldi, explained to the board that she is hoping for a 5 ft. fence instead of a 4 ft. fence to contain her medium sized dogs, and dogs that she can foster. She explained the neighbors have 5 ft. and 6 ft. fences. She also brought a statement sent to the two immediate neighbors. Mr. Rose asked if she has thought of any other solutions, and Ms. Capaldi stated an electric fence is not an option because it is not adequate or safe. She also explained that she has seen variances for 5 ft. fences be approved in the past. Though, Mr. Rose explained every situation is unique for each variance. Ms. Capaldi explained that the grade for her house is raised, and having the extra foot for the fence will help the area be more protected, which is her hardship. Mr. Rose explained that because of the grade, the fence will be on the hill. Mr. Hasman asked if the backyard is flat, and Ms. Capaldi explained the grading has just been done. Mr. Hasman wanted to confirm that the backyard would not be too deep to where the dog could jump over the fence, and asked how many dogs they are going to foster. Ms. Capaldi said she would not foster more than one dog or two at a time, and that sometimes dogs just need a quiet space which would be at her home. She explained that she has neighbors and would like the area to be as safe as possible. With no other questions, there was a motion to close.

During the Regular Meeting, Mr. Rose made a comment about the appeal stating that there are lots of dogs, but the terrain situation of this house was the factor that made the situation unique and a need for the variance, not the fact that the dog may jump over the fence, and wanted to make that clear.

Motion by Mr. Jayjack, seconded by Mr. Collin to close the Public Hearing.

ROLL CALL: Ayes: Collin, Gagliano, Hasman, Jayjack, Kingston, Stucky, Rose

Nays: None

MOTION CARRIED

APPEAL 2025-39

Robert Smerk on behalf of Thomas Martin request for a variance from Section 1151.24 minimum 80' rear yard setback required to allow 75' for a porch addition located at 10518 Springhill Dr, PPN 605-11-005.

Robert Smerk on behalf of Thomas Martin, was present to speak to this appeal. Mr. Rose explained that they would need a variance to do work on this property because of the way the setbacks have changed, which is the hardship. Councilmember Stucky asked for clarification about the drawings, and wanted to know where the covered porch is going if they have a deck already, and Mr. Smerk stated it is going in place on the 6x12 ft. deck, which is why they need the 5 ft. variance. With no other questions, there was a motion to close.

Motion by Ms. Gagliano seconded by Mr. Jayjack to close the Public Hearing.

ROLL CALL: Ayes: Collin, Gagliano, Hasman, Jayjack, Kingston, Stucky, Rose

Nays: None

MOTION CARRIED

APPEAL 2025-41

Mark Conte request for a variance from Section 1151.26(2) minimum 10' side yard setback required to allow 3' for a shed, located at 9447 Stover Lane, PPN 601-37-044.

Mark Conte, explained that he hopes to replace the old shed that is 6x8 ft. on his property which was present when he moved into his house. He would like a new shed in the exact same location that is 10x12 ft. This is the only part of his yard that is flat, which is his hardship. If he moved it up and out of this location, he would have to take down trees. He also presented signatures from his neighbors for approval. With no other questions, there was a motion to close.

Motion by Mr. Jayjack seconded by Mr. Collin to close the Public Hearing.

ROLL CALL: Ayes: Collin, Gagliano, Hasman, Jayjack, Kingston, Stucky, Rose

Nays: None

MOTION CARRIED

APPEAL 2025-42

David Kochis on behalf of Bruce Cooke request for a variance from Section 1326.02 generator located in the rear required to allow in the side yard, located at 9169 Meadow Lane, PPN 601-10-027.

David Kochis, on behalf of Bruce Cooke explained that the house is on the side of a ravine, the right side of the house is all driveway, and the back of the house is a hill, which is the hardship and why the generator is proposed in the side yard, but shrubbery will be planted around it. Mr. Rose wanted to confirm that when the generator is testing, it will run at a time that is agreed upon with the neighbor, which was agreed to. Councilmember Stucky asked for clarification for why

the generator cannot be placed behind the home, and Mr. Kochis explained maintenance and from a safety standpoint, the generator is better accessible from the side yard location to reach disconnects. As well, in the snowy weather, it may be difficult to get down to the backyard to access the generator. Councilmember Stucky explained there is a location on the right side of the house underneath the window, which would be a hidden spot for the generator, but Mr. Kochis explained the first location is the location the homeowner asked for. Councilmember Stucky stated there is room on the back of house where the generator should be located. Mr. Rose stated the spot Councilmember Stucky explained on the side yard would still need a variance. The information about the generator was not disused with the neighbors.

Gary Marzec, located at 9140 Meadow Lane, stated he is concerned about the size of the home, size of the generator, noise from the generator, and at what time they will be using the generator. The board confirmed the generator will be used when there is a power failure. Mr. Rose confirmed that according to the specifications submitted, the output at 23 ft. is 67 Decibels, which is comparable to a lawn mower. Mr. Rose did include that usually the generators and air conditioners are in the backyard because of noise pollution and aesthetics. Mr. Marzec responded by saying that the generator is very small. Mr. Kochis explained that the intent is to power two-thirds of the home, and confirmed that the generator has load shedding within. With no other questions, there was a motion to close.

During the Regular Meeting, Mr. Rose asked if there was any more discussion for this appeal, to which Mayor Kingston asked to go over the sound of the generator and the decibel level for the residents across the street. Mr. Kochis stated the generator noise is 67 Decibels, which is about the same as a lawnmower, and to imagine from across the street. Mr. Marzec asked for verification on that, and Mr. Kochis stated the specs are within the packet, but generally there is a range. Mr. Rose confirmed that 23 ft. is what the specs said. Mr. Kochis also stated the specs are based on a normal load, and that a house with 200 amp services typically pulls 40 amps. Mr. Marzec confirmed that he was still worried about the size of the home, and the decibel level of the generator. Councilmember Stucky asked where the air conditioner is located, and Mr. Kochis confirmed that the air conditioner is mounted on the wall underneath the second floor balcony in the backyard. Mr. Rose asked if the generator was in the original plans of the home, and Mr. Kochis confirmed it was added after. Ms. Gagliano asked when the power is not out, this generator is running for 10 minutes once a week, and Mr. Kochis stated yes. Mayor Kingston asked the resident how often does the power go out on his street, and he said not very often. Mr. Jayjack followed up by discussing the DB load and DB level which will be associated with the power that it puts out and the generator cannot go above that. Mr. Jayjack also stated it is important to evaluate the sound difference between placements of the generator in the side yard versus the backyard. From Mr. Jayjack's perspective, the generator will be heard in both spots and to make sure it is held to the manufactures specification.

Mark Conte, who works with heavy equipment, stated the decibel level will decimate farther away. He said the solution to this is a damper to the sound. Mr. Kochis explained this particular unit has a sound enclosure to dampen the sound. Mr. Hasman asked if shrubbery would be placed around the generator, and Mr. Kochis stated yes.

Motion by Mr. Collin seconded by Mrs. Gagliano to close the Public Hearing.

ROLL CALL: Ayes: Collin, Gagliano, Hasman, Jayjack, Kingston, Stucky, Rose
Nays: None
MOTION CARRIED

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
JULY 7, 2025**

Present: Collin, Gagliano, Hasman, Jayjack, Kingston, Stucky, Rose
Absent: None
Others: Abby Jakobsky and approximately 10 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF JUNE 6, 2025

Motion by Mr. Collin, seconded by Ms. Gagliano, to approve the Regular Meeting minutes of June 6, 2025.

ROLL CALL: Ayes: Collin, Gagliano, Hasman, Jayjack, Kingston, Stucky, Rose
Nays: None
MOTION CARRIED

APPEAL 2025-36

Motion by Mr. Hasman, seconded by Ms. Gagliano, that the Board of Zoning Appeals recommend to City Council approval of a variance from Section 1151.24 minimum 125’ front yard setback to allow 89.83’ for the construction of a deck on a non-conforming house, located at 8754 Riverview Road, PPN 602-17-024.

ROLL CALL: Ayes: Collin, Gagliano, Jayjack, Kingston, Rose, Hasman, Stucky
Nays: None
MOTION CARRIED

APPEAL 2025-37

Motion by Mr. Jayjack, seconded by Mr. Collin, that the Board of Zoning Appeals recommend to City Council approval of a variance from Section 1185.03 (a) to allow a 4’ tall post and rail fence around the pond in the front yard (not allowed), located at 11401 Snowville Road, PPN 605-18-003.

ROLL CALL: Ayes: Collin, Gagliano, Jayjack, Kingston, Stucky, Rose, Hasman
Nays: None
MOTION CARRIED

APPEAL 2025-38

Motion by Mr. Collin, seconded by Ms. Gagliano, that the Board of Zoning Appeals recommend to City Council approval of a variance from Section 1183.03(a) 4’ maximum fence height to allow 5’ for a chain link fence, located at 6714 Westview Dr, PPN 603-20-018.

ROLL CALL: Ayes: Collin, Jayjack, Kingston, Stucky, Rose
Nays: Gagliano, Hasman
MOTION CARRIED

APPEAL 2025-39

Motion by Ms. Gagliano, seconded by Mr. Collin, that the Board of Zoning Appeals recommend to City Council approval of a variance from Section 1151.24 minimum 80' rear yard setback required to allow 75' for a porch addition located at 10518 Springhill Dr, PPN 605-11-005.

ROLL CALL: Ayes: Collin, Gagliano, Hasman, Jayjack, Kingston, Stucky, Rose
Nays: None
MOTION CARRIED

APPEAL 2025-41

Motion by Mr. Jayjack, seconded by Ms. Gagliano, that the Board of Zoning Appeals recommend to City Council approval of a variance from Section 1151.26(2) minimum 10' side yard setback required to allow 3' for a shed, located at 9447 Stover Lane, PPN 601-37-044.

ROLL CALL: Ayes: Collin, Gagliano, Hasman, Jayjack, Kingston, Stucky, Rose
Nays: None
MOTION CARRIED

APPEAL 2025-42

Motion by Ms. Gagliano seconded by Mr. Collin that the Board of Zoning Appeals recommend to City Council approval a variance from Section 1326.02 generator located in the rear required to allow in the side yard, located at 9169 Meadow Lane, PPN 601-10-027.

ROLL CALL: Ayes: Gagliano, Hasman, Jayjack, Kingston
Nays: Stucky, Rose, Collin
MOTION CARRIED

REPORT OF COUNCILMEMBER STUCKY

No Report

REPORT OF MAYOR KINGSTON

No Report

ANNOUNCEMENTS

No Announcements

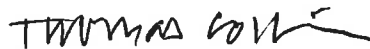
Motion by Ms. Gagliano, seconded by Mr. Collin, to close the Regular Meeting at 8:30.
MOTION CARRIED

THE BRECKSVILLE BOARD OF ZONING APPEALS



DENNIS ROSE, CHAIRPERSON

THOMAS COLLIN, VICE CHAIRPERSON



NORA GAGLIANO, SECRETARY



Public Hearing and Regular Meeting recorded by Abby Jakobsky