
Call to Order

Roll Call

Present: Hasman, Jayjack, Kingston, Stucky, Rose
Absent: Collin, Gagliano
Others: Abby Jakobsky, and approximately 12 guests

The Public Meeting opened at 7:30 pm.

PUBLIC HEARING

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.

1. Appeal 2025-43 - The Drees Company

Sean McCory, with The Drees Company, was present to represent the homeowner, Anna Capaldi, at 6714 Westview Drive. Mr. McCory explained his hardship to the board, and at this home, there is a concrete flume on the parcel. Based on the engineer's final topo, it was deemed unbuildable regarding the sidewalk. Mr. McCory also explained that other homes do not have sidewalks on the street. Mr. Rose explained this is a challenging lot, and noted the site plan states a "Plan B" regarding sidewalks, and asked what that would be. Mr. McCory stated a "Plan B" would be difficult because of the need for a redesign. Mr. Rose made it clear that if sidewalks are asked for by the City, there would be concern about the ability to put a sidewalk on this parcel. Mr. McCory stated the homeowners are aware that if the City is to require sidewalks, they will have to put them in or return to the board. Mr. Rose stated with this design, the only way to put sidewalks in was to push the sidewalks back because of the flume, which Mr. McCory confirmed. Councilmember Stucky also further explained if sidewalks are to be added to Westview Dr., the homeowners will have to be prepared to come up with a different answer. Mr. McCory stated he is aware, and theoretically, a sidewalk could be installed over the system if need be. 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: Hasman, Jayjack, Kingston, Stucky, Rose

Nays: None

MOTION CARRIED

2. Appeal 2025-44 - Todd Mitchell

Todd Mitchell, homeowner of 10056 Barr Road, explained his hardship to the board, and stated he installed an auto pool cover instead of a fence. The cover is safe enough to walk on, and Mr. Mitchell stated it is much safer than a fence around a pool. Mr. Rose stated the pool cover is safe if it is closed, and asked when the pool cover is closed. Mr. Mitchell stated that the pool cover is only open when someone is swimming, and to close it someone has to push a button. Mr. Rose stated if someone forgets to close it, the cover is open, and stated nothing is preventing a fence, this is just a different solution. Mr. Mitchell also stated that with the layout and trees, it would be tough to install a fence. Mr. Rose moved on to the generator, and Mr. Mitchell proposed the generator in this location as it would be hidden because of the

bump out on the house and the shrub row. Mr. Rose asked if he had spoken to the neighbors about the generator placement, and Mr. Mitchell stated the neighbor on one side, had no problem with the pool cover or generator. Mayor Kingston clarified that as Safety Director, the fence around the pool is something he cannot budge on, and the City code states that the gate around a pool must close automatically. Councilmember Stucky stated there are a lot of projects going on at this home. As well, he stated that the "closer" to a pool cover he has seen recently is broken, which affects its safety. Councilmember Stucky asked why the generator cannot go on the left back side of the property. Mr. Mitchell stated it would be hard to get it into the house and over the panel. Mr. Stucky asked for bushes around the generator, and Mr. Mitchell confirmed there is a row of green arborvitae and later during the meeting, he came back up to the board and showed Councilmember Stucky a picture of the shrubs and the bump out of the home. With no other questions, there was a motion to close.

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

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

Nays: None

MOTION CARRIED

3. Appeal 2025-45 - Jay Paciorek

Jay Paciorek, and wife, Sherri, located at 10902 Brookview, explained their hardship to the board, by stating that they have a very old property, and hoped to beautify the yard further. Many backyards also bump up to their backyard, and the lot is not perfectly rectangular, which reduces privacy in his backyard. The fence they are proposing is not continuous, and just supports the area that will give them relief. Mr. Rose stated the appeal is written to allow a 6 ft fence and does not have a distinct location, and Mr. Paciorek stated this variance will only be for a section of fence, and the fence will terminate behind the shed. The fence is on the North property line. Mayor Kingston asked how long the distance of the piece of fence is near the shed, and Ms. Paciorek stated about 12 ft. Ms. Paciorek further explained they are requesting a 6 ft. fence because of the slope of their lot, too. Mr. Paciorek further explained his hardship of seeing fallen trees, yard debris, tractors, leaf blowing, dogs from various properties, and more. Mr. Rose confirmed that they are proposing a 6 ft. fence on the North side, and a small portion near the shed. Mr. Rose also stated the code exists for a reason, and it is a park-like community which calls for lower fences to see land. Mr. Hasman stated their hardship statement explains that they hoped the board would approve this to keep in harmony with Brecksville's scenic and open community vision. Mr. Hasman then stated the fence creates more of a closure. Mr. Hasman asked when facing the house, if they spoke to the neighbor on the left. Ms. Paciorek stated yes, and their neighbors have a deck that is very close to their patio, and a playground as well, which the fence will help create privacy relief between the two parties. Mayor Kingston asked if they had considered a five-foot fence, and Mr. Paciorek believed this height would be the best to relieve the visual hardships they have from other lots. Councilmember Stucky asked if they had looked at a type of fence that would meet the Brecksville code, and Mr. Paciorek felt they picked something that looked nicer, and added value to the neighborhood. Councilmember Stucky stated for his home, he put 8 ft. pine trees in for privacy. Mr. Paciorek stated that the property is an odd-shaped lot, and they are looking across many lots. Ms. Paciorek stated there is a dead zone along the property line because of the large pine trees and septic system. 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: Hasman, Jayjack, Kingston, Stucky, Rose

Nays: None

MOTION CARRIED

4. Appeal 2025-46 - Joe Donnelly on behalf of Joe Tagliaferro

Joe Donnelly, contractor, on behalf of Joe Tagliaferro, located at 10216 Woodlands Drive, explained his hardships to the board that the backyard being used as a play area, the basement is a rec-room, and the utilities are already placed on the side of the home, not in the rear, and placing a generator on the rear of the home would be more impractical and expensive. He provided letters from two neighbors that are in support of the generator to the board. Mr. Hasman stated that he noticed that the bedroom windows are above the garage on the neighbor's house, and Mr. Hasman wanted to make sure they were aware of the testing for generators. Mr. Donnelly stated that the testing happens for 7 minutes once a week, and isn't louder than a lawn mower. As well, Mr. Donnelly stated that the generator only runs in emergency cases, and in most cases it is only 20–25 hours a year. Mr. Hasman stated that putting it near the AC unit in the back would not make sense, and Mr. Donnelly stated it would be a financial hardship to move it in the back. Mayor Kingston asked if there could be a condition added to provide screening around the generator to which Mr. Donnelly stated yes. Councilmember Stucky stated there is a lot of room near the air conditioner to place this generator, and that no one would hear it. With no other questions, there was a motion to close.

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

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

Nays: None

MOTION CARRIED

5. Appeal 2025-47 - Richard Stewart

Richard Stewart, homeowner, located at 10408 Dewey Road, explained his hardship to the board and that the original plat had inaccurate measurements. When the development near his residence came in, they redid the survey, and he had 15 ft. less than the original survey gave him. Instead of 85 ft., the homeowner was left with 70 ft rear setback. As well, he believed there was no buffer zone put between him and the new development. He explained the deck would be low to the ground and small, and would be right off of the bedroom. Mr. Stewart said he wanted the deck in this location since there are trees to create shade. Mr. Rose stated the deck would be even with the jet out of the house. Mr. Rose asked about the confusion of the plat measurements. Councilmember Stucky also asked about the plat, and Mr. Stewart clarified that the location of his house was listed in the document and that information was inaccurate. Mr. Stewart provided the plat he turned in when he did work prior to the home that said had an 85 ft. rear setback, though in reality it was 70 ft. Mr. Rose clarified by stating he thought he was fine with the location, and then he needed a variance. Mr. Stewart stated the neighbor next door was moving, so he did not contact them. It was clarified that there is no HOA by Mr. Jayjack since the residence is a part of Dewey Rd. and not the development. Councilmember Stucky asked if the homeowner would need this same variance if they were

doing a patio instead of a deck, to which Ms. Jakobsky stated no. Mr. Stewart did not want a patio because he didn't want a step-down. Neighbor, Tom Alexa, 10431 Dewey, came to support Mr. Stewart and explained how he was in support of the project. With no other questions, there was a motion to close.

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

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

Nays: None

MOTION CARRIED

6. Appeal 2025-48 - Brett & Lindsay Dawson - TABLED

Tabled, no motion.

7. Appeal 2025-49 - Murray & Nadine Maynard

Murray Maynard, homeowner, located at 11515 Fitzwater Road, explained his hardship to the board and wanted to replace an older dilapidated shed. Mr. Maynard said he needed a larger size shed to fit all of his items. The garage on the property is already full with three cars. He also spoke to two neighbors, and the neighbor to the East sent a letter of support, which was received by the board. Mr. Rose stated the size is for the things they have accumulated by needing to maintain the park-like property. With no other questions, there was a motion to close.

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

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

Nays: None

MOTION CARRIED

The Public Meeting closed at 8:30 pm.

REGULAR MEETING

Present: Hasman, Jayjack, Kingston, Stucky, Rose

Absent: Collin, Gagliano

Others: Abby Jakobsky, and approximately 12 guests

The Regular Meeting opened at 8:30 pm.

Approval of Minutes

8. Approval of the Regular Meeting Minutes of July 7, 2025

Motion by Mr. Hasman, seconded by Mr. Jayjack, to approve the Regular Meeting minutes of July 7, 2025.

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

Nays: None

MOTION CARRIED

Appeals

9. **Appeal 2025-43** - The Brecksville Board of Zoning Appeals will hold a Public Hearing on Monday, August 11, 2025 at 7:30 p.m. at Brecksville City Hall to hear the request of The Drees Company for a variance from Section 1119.09(d) not to install the required public sidewalks until such time as the City deems appropriate, located at 6714 Westview Dr., PPN 603-20-018.

Motion by Mr. Hasman, seconded by Mr. Jayjack to vote on this appeal.

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

Nays: None

MOTION CARRIED

10. **Appeal 2025-44** - The Brecksville Board of Zoning Appeals will hold a Public Hearing on Monday, August 11, 2025 at 7:30 p.m. at Brecksville City Hall to hear the request of Todd Mitchell for (1) a variance from Section 1323.03 that requires at least a 4' fence around a pool to allow for a pool auto cover (2) a variance from Section 1326.02 that a generator be located in the rear to allow in the side yard, located at 10056 Barr Rd., PPN 604-12-025.

Motioned by Mr. Hasman, seconded by Councilmember Stucky to split this motion into two motions, since the materials in this appeal are substantially different.

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

Nays: None

MOTION CARRIED

Motioned by Mr. Hasman, seconded by Councilmember Stucky, that the Board of Zoning Appeals recommend to City Council approval of a variance from Section 1323.03 that requires at least a 4' fence around a pool to allow for a pool auto cover, located at 10056 Barr Road PPN 604-12-025.

ROLL CALL: Ayes: None

Nays: Hasman, Jayjack, Kingston, Stucky, Rose

MOTION CARRIED

Motioned by Mr. Hasman, seconded by Councilmember Stucky that the Board of Zoning Appeals recommend to City Council approval of a variance from Section 1326.02 that a generator be located in the rear yard to allow in the side yard, located at 10056 Barr Rd., PPN 604-12-025.

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

Nays: None

MOTION CARRIED

11. **Appeal 2025-45** - The Brecksville Board of Zoning Appeals will hold a Public Hearing on Monday, August 11, 2025 at 7:30 p.m. at Brecksville City Hall to hear the request of Jay Paciorek for (1) a variance from Section 1185.03(a) maximum 4' fence height to allow 6' (2) a variance from Section 1185.02(d) to allow a ventilating privacy type fence (not allowed), in

the rear yard, located at 10902 Brookview Dr., PPN 602-01-067.

Motioned by Mr. Jayjack, seconded by Mayor Kingston to split this motion into two motions since the materials in this appeal are substantially different.

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

Motioned by Mr. Hasman, seconded by Councilmember Stucky, that the Board of Zoning Appeals recommend to City Council approval of a variance from Section 1185.03(a) maximum 4' fence height to allow 6' in the rear yard, located at 10902 Brookview Dr., PPN 602-01-067.

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

Motioned by Mr. Hasman, seconded by Councilmember Stucky that the Board of Zoning Appeals recommend to City Council approval of a variance from Section 1185.02(d) to allow a ventilating privacy type fence (not allowed), in the rear yard, located at 10902 Brookview Dr., PPN 602-01-067.

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

- 12. Appeal 2025-46** - The Brecksville Board of Zoning Appeals will hold a Public Hearing on Monday, August 11, 2025 at 7:30 p.m. at Brecksville City Hall to hear the request of Joe Donnelly on behalf of Joe Tagliaferro for a variance from Section 1326.02 that a generator be located in the rear to allow in the side yard, located at 10216 Woodlands Dr., PPN 605-22-032.

Motion by Mr. Hasman, seconded by Councilmember Sucky to vote on this appeal. This appeal is contingent on natural screening that is approved by the City's arborist and is planted near the structure to conceal it from view.

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

- 13. Appeals 2025-47** - The Brecksville Board of Zoning Appeals will hold a Public Hearing on Monday, August 11, 2025 at 7:30 p.m. at Brecksville City Hall to hear the request of Richard Stewart for a variance from Section 1151.24 minimum 70' rear yard setback required to allow 57' for a deck, located at 10408 Dewey Rd., PPN 605-24-012.

Motion by Mr. Hasman, seconded by Councilmember Sucky to vote on this appeal.

ROLL CALL: Ayes: Hasman, Jayjack, Kingston, Stucky, Rose
Nays: None

MOTION CARRIED

- 14. Appeals 2025-48 - TABLED** The Brecksville Board of Zoning Appeals will hold a Public Hearing on Monday, August 11, 2025 at 7:30 p.m. at Brecksville City Hall to hear the request of Brett & Lindsay Dawson for (1) a variance from Section 1151.23(a) maximum 220' front yard setback to allow 234.2' (2) a variance from Section 1119.09(d) not to install the required public sidewalks until such time as the City deems appropriate, located at 12215 Timothy Ln., PPN 605-20-010.

Tabled, no motion.

- 15. Appeal 2025-49 -** The Brecksville Board of Zoning Appeals will hold a Public Hearing on Monday, August 11, 2025 at 7:30 p.m. at Brecksville City Hall to hear the request of Murray and Nadine Maynard for a variance from Section 1151.25(d)(2)(B) maximum 192 sq/ft. to allow 240 sq/ft. for the construction of shed, located at 11515 Fitzwater Rd., PPN 602-02-011.

Motion by Mr. Jayjack, seconded by Councilmember Sucky to vote on this appeal.

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

Nays: None

MOTION CARRIED

Report of Council Representative Stucky

No report.

Report of Mayor Kingston

No report.

Announcements

No announcements.

Adjournment

Motion by Mr. Hasman, seconded by Mr. Jayjack to close the Regular Meeting.

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

Nays: None

MOTION CARRIED

The Regular Meeting closed at 8:45 pm.

THE BRECKSVILLE BOARD OF ZONING APPEALS



DENNIS ROSE, CHAIRPERSON

THOMAS COLLIN, VICE CHAIRPERSON

Thomas Collin

NORA GAGLIANO, SECRETARY

Nora Gagliano

Public Hearing and Regular Meeting recorded by Abby Jakobsky