

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
JUNE 8, 2026**

Call to Order

Roll Call

Present: Dennis Rose, Kenneth Jayjack, Brian Stucky, Mayor Daryl Kingston, Nora Gagliano

Absent: Thomas Collin and Kimberly Veras

Others: Steve Synek, Cassandra El-Khoury and approximately 10 guests

The Public Meeting opened at 7:30 P.M

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 BZA26-000001

Nate Ploskonka – Wiler Fence Company was present on behalf of Dave Abood to request a variance to allow a 6' fence instead of maximum 4' ornamental fence, located at 9555 Reserve Run, PPN 604-22-009.

Mr. Rose questioned the hardship presented in the application and asked whether any documentation had been provided by a veterinarian or dog trainer supporting the need for a 6-foot fence for the homeowner's German Shepherd. Mr. Ploskonka stated that the homeowner's dog trainers had verbally advised that the dog could clear a 4-foot fence. He also noted concerns regarding wildlife, including deer entering pool areas.

Mayor Kingston asked Building Official Steve Synek to clarify fence regulations related to pool areas. Mr. Synek explained that a 6-foot fence is permitted when located at least 40 feet from the property line. Discussion followed regarding the location of the proposed fence and the limited area requiring a variance.

Councilmember Stucky questioned the hardship and stated that many properties in the area utilize 4-foot aluminum fencing. Mr. Ploskonka responded that the request was not for privacy but for containment of the dog and that most of the fence would comply with code requirements, with only a portion requiring the variance.

There were no further questions/comments from the Board Members or audience.

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

MOTION CARRIED

APPEAL BZA26-000002

David Hesse was present on behalf of Eric & Elisha Barbato for a variance request from the maximum 12% driveway slope required to allow 14.7% as part of the construction of a new house, located at 8322 Settlers Passage, PPN 602-08-005.

Mr. Hesse explained that the property is located on a steep hillside and that a portion of the existing driveway exceeds the City's allowable slope. He stated that a geotechnical engineer had reviewed the driveway and found it to be stable, provided it is properly maintained. He also indicated that the driveway would be paved upon completion of construction.

Mayor Kingston discussed significant concerns related to emergency vehicle access. He noted that the residence is located approximately 1,400 feet from the nearest fire hydrant, while City fire apparatus typically carries only 1,000 feet of hose. He emphasized that this discrepancy may create substantial operational challenges for firefighting response and suppression efforts, particularly under adverse conditions, and stressed the importance of thoroughly documenting these limitations in the record.

Mayor Kingston further suggested that, should the project proceed, consideration be given to requiring additional fire protection infrastructure, such as the installation of a fire hydrant or an approved on-site water supply source, including but not limited to a retention pond or hydrant, to mitigate identified risks and improve emergency response capability.

Mr. Hesse stated that the homeowner acknowledged the risks associated with the property and was exploring supplemental fire protection measures.

Councilmember Stucky commented on the steep grade of the site and acknowledged concerns expressed by the Fire Department regarding emergency access constraints.

It was further noted for the record that emergency response to this home/area may be delayed or limited due to distance, terrain, and water supply constraints, and that these conditions are being documented as part of the review process. Any approvals granted should be understood to be based on existing site conditions, and the City's ability to provide timely emergency services may be impacted by factors beyond its control.

There were no further questions/comments from the Board Members or audience.

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

APPEAL BZA26-000003

Dave Sabol was present on behalf of Dennis Myslenski to request a 6-month extension (currently expired) for BZA Appeal 2025-33, located at 8290 Whitewood Rd, PPN 601-20-018.

Mr. Sabol explained that delays in securing a contractor resulted in the expiration of the previously approved variance before construction could begin. He stated that the project itself remained unchanged from the prior approval.

Board members discussed the contractor-related delays and acknowledged that no substantive changes had been made to the previously approved project.

There were no further questions/comments from the Board Members or audience.

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

MOTION CARRIED

APPEAL BZA26-000004

Peter Amin, homeowner, at 6590 Summer Wind Drive was present to request a variance for a 6' fence instead of the maximum 4'.

Mr. Amin explained that his property is irregularly shaped and sits at a lower elevation than neighboring properties. He stated that a 4-foot fence would provide limited screening due to the grade differences. He also described an existing deteriorated fence located along the rear of the property and noted that he had been advised it could not be repaired.

Mr. Rose inquired about the property behind the residence. Mr. Amin described it as agricultural land containing a pond and business activity involving trucks and equipment. Mr. Amin also noted that he had discussed the proposal with neighboring property owners.

Councilmember Stucky questioned the hardship and observed that surrounding properties utilize 4-foot fencing. Mr. Amin reiterated that the grade differences between properties reduced the effectiveness of a shorter fence.

John Moody, a nearby resident, spoke in support of the request. He stated that he had no objection to the proposed fence and confirmed the presence of wildlife and business activity on the neighboring property. Mayor Kingston recalled that an older six-foot fence had previously existed in the rear of the property and discussed prior Planning Commission review of the site.

There were no further questions/comments from the Board Members or audience.

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

MOTION CARRIED

APPEAL BZA26-000005

David Sabol was present on behalf of James & Cheryl Shephard for (1) a variance from Section 1183.08(a) maximum 3 outdoor parking spaces to allow the conversion of a 60'x120' tennis court into a driveway use, and (2) a variance from Section 1117.04(i) which requires driveways to be

located a minimum 60' from intersection to allow a new driveway at 10126 Echo Hill Drive, PPN 605-19-008.

Mr. and Mrs. Shephard explained that the proposed addition would provide accessibility improvements to accommodate future mobility needs, including an ADA-compliant bathroom, first-floor laundry facilities, and expanded garage space. They stated that they wish to remain in the home long-term.

Discussion focused on the proposed use of the existing tennis court as driveway access. Mr. Rose questioned whether the accessibility improvements could be completed without converting the tennis court to driveway use. Mr. Sabol explained that site constraints, including topography, mature trees, and the location of a stormwater pond, limited alternative locations for the garage addition.

Councilmember Stucky expressed concern regarding the potential future use of the tennis court area as a parking surface. He discussed concerns about tying new construction into an aging concrete slab and suggested that portions of the existing court could potentially be removed and replaced with new driveway pavement.

Mrs. Shephard noted that the property is intended to remain within the family and that future generations have expressed interest in maintaining ownership after Mr. Rose expressed his concern of what will happen to the house 10 or 15 years from now.

There were no further questions/comments from the Board Members or audience.

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

MOTION CARRIED

APPEAL BZA26-000006

Jason Baylor – Payne & Payne Builders was present on behalf of Sara & Kyle Hunter 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 9935 Fitzwater Rd, PPN 601-10-049.

Mr. Baylor explained that extending a sidewalk solely across the subject property would create a disconnected sidewalk segment and could encourage pedestrians to cross Fitzwater Road at an unsafe location. He noted that only a limited number of properties along Fitzwater Road currently contain sidewalks and that no comprehensive sidewalk network exists in the immediate area.

Mr. Rose commented on the challenging topography along Fitzwater Road and the difficulties associated with installing sidewalks in the area. Councilmember Stucky agreed that the proposed sidewalk would effectively lead to nowhere and stated that the request appeared reasonable under the circumstances.

Mayor Kingston noted that the City generally seeks to improve sidewalk connectivity where possible and observed that a neighboring property already contains sidewalks. He stated that City Council may further discuss the issue of future sidewalk connectivity.

There were no further questions/comments from the Board Members or audience.

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

MOTION CARRIED

The Public Hearings Meeting closed at 8:15 pm

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
JUNE 8, 2026**

REGULAR MEETING

Present: Dennis Rose, Kenneth Jayjack, Brian Stucky, Mayor Daryl Kingston, Nora Gagliano
Absent: Thomas Collin and Kimberly Veras
Others: Steve Synek, Cassandra El-Khoury and approximately 10 guests.

The Regular Meeting opened at 8:15 PM

APPROVAL OF THE REGULAR MEETING MINUTES OF MAY 11, 2026

Motion to approve the Regular Meeting Minutes of May 11, 2026.

ROLL CALL: Ayes: Mr. Rose, Mr. Jayjack, Councilmember Stucky, Mayor Kingston, Ms. Gagliano

Nays: None

Absent: Mr. Collin, Ms. Veras

MOTION CARRIED

APPEAL BZA26-000001

Motion by Ms. Gagliano, seconded by Mr. Jayjack, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1185.03(a) maximum 4' fence height to allow 6' for the installation of approximately 480 linear ft. of ornamental fence, located at 9555 Reserve Run, PPN 604-22-009.

ROLL CALL: Ayes: Mr. Jayjack, Mayor Kingston

Nays: Mr. Rose, Councilmember Stucky, Ms. Gagliano

Absent: Mr. Collin, Ms. Veras

MOTION FAILED

APPEAL BZA26-000002

Motion by Mr. Jayjack, seconded by Councilmember Stucky, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1119.03(b) maximum 12% driveway slope to allow 14.7% as part of the construction of a new house, located at 8322 Settlers Passage, PPN 602-08-005.

ROLL CALL: Ayes: Mr. Rose, Mr. Jayjack, Councilmember Stucky, Mayor Kingston, Ms. Gagliano

Nays: None

Absent: Mr. Collin, Ms. Veras

MOTION CARRIED

APPEAL BZA26-000003

Motion by Ms. Gagliano, seconded by Councilmember Stucky, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1197.31 to allow a 6-month extension (currently expired) to BZA variance 2025-33, located at 8290 Whitewood Rd, PPN 601-20-018.

ROLL CALL: Ayes: Mr. Rose, Mr. Jayjack, Councilmember Stucky, Mayor Kingston, Ms. Gagliano

Nays: None

Absent: Mr. Collin, Ms. Veras

MOTION CARRIED

APPEAL BZA26-000004

Motion by Mr. Jayjack, seconded by Ms. Gagliano, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1185.03(a) maximum 4' fence height to allow 6' for black aluminum fencing, located at 6590 Summer Wind Drive, PPN 604-19-015.

ROLL CALL: Ayes: Mr. Jayjack, Mayor Kingston, Ms. Gagliano

Nays: Mr. Rose, Councilmember Stucky

Absent: Mr. Collin, Ms. Veras

MOTION FAILED

APPEAL BZA26-000005

Motion by Ms. Gagliano, seconded by Mayor Kingston, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1183.08(a) maximum 3 outdoor parking spaces to allow the conversion of a 60'x120' tennis court into a driveway use, and (2) a variance from Section 1117.04(i) which requires driveways to be located a minimum 60' from intersection to allow a new driveway as indicated on the drawing dated 5/20/2026, located at 10126 Echo Hill Drive, PPN 605-19-008.

ROLL CALL: Ayes: Mr. Jayjack, Mayor Kingston, Ms. Gagliano

Nays: Mr. Rose, Councilmember Stucky

Absent: Mr. Collin, Ms. Veras

MOTION FAILED

APPEAL BZA26-000006

Motion by Mr. Jayjack, seconded by Ms. Gagliano, that the Board of Zoning Appeals recommend to City Council approval 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 9935 Fitzwater Rd, PPN 601-10-049.

ROLL CALL: Ayes: Mr. Rose, Mr. Jayjack, Councilmember Stucky, Mayor Kingston, Ms. Gagliano

Nays: None

Absent: Mr. Collin, Ms. Veras

MOTION CARRIED

REPORT OF COUNCILMEMBER STUCKY -

REPORT OF MAYOR KINGSTON –

ANNOUNCEMENTS

ADJOURNMENT

Motion to close the Regular Meeting.

ROLL CALL: Ayes: Mr. Rose, Mr. Jayjack, Councilmember Stucky, Mayor Kingston, Ms. Gagliano

Nays: None

Absent: Mr. Collin, Ms. Veras

MOTION CARRIED

The Regular Meeting closed at 8:36 pm

THE BRECKSVILLE BOARD OF ZONING APPEALS



DENNIS ROSE, CHAIRPERSON



THOMAS COLLIN, VICE CHAIRPERSON



NORA GAGLIANO, SECRETARY

Public Hearing and Regular Meeting recorded by Cassandra El-Khoury