

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
OCTOBER 10, 2022**

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

Absent: None

Others: Building Inspector Synek, 16 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 2022-39

Ben Flanders for a variance from Section 1151.25(d)(2)(B) from the maximum 192 sq. ft. to allow 256 sq. ft. for a shed located at 9979 Barr Road, PP# 604-04-028.

Ben Flanders spoke to the Board regarding his appeal. He explained to the Board that he cannot park his car or his lawn equipment in the garage in the winter, so they decided to invest in a shed. The reason for the variance, is he needs additional space. He explained that he read the code and he could build a 12x16 accessory structure. He went on to explain that his wife wanted a porch on the front of the shed, and because that is considered part of the overall square footage, it becomes a 16x16, which is larger than what the code allows. Mr. Flanders stated that his neighbors are okay with it, and his one neighbor has a shed that is similar to what he would like to build, but his is 10x16. The plan is to store their deck furniture, patio furniture, yard equipment and decorations. Their kids like to paint, as well, and they would like to have them paint in the shed.

Mr. Rose confirmed with Mr. Synek that the porch on the front of the shed does become part of the square footage. Mr. Synek stated that was correct.

Mr. Hasman stated that when he was there he noticed that there was some crushed stone that was laid out at the site, and asked if that was going to be the foundation. Mr. Flanders stated that it was.

Mr. Rose asked if the shed would be on a concrete slab or on a footer. Mr. Flanders stated that it will be on a 4x6 gravel pad and it comes with a wood floor.

Mr. Collin asked if you would be able to see the shed from the road. He stated that when he went to visit the site, there was a fence or a wooden structure at the end of the driveway, so you couldn't completely see into the backyard. Mr. Collin asked how far back the shed would be and how far from the property lines. Mr. Flanders stated that it will be 15 ft. from the south property line, and over 40 ft. from the east and west property lines. The shed is on the south side

of the property, so they are not very close to any of the property lines. Mr. Flanders explained that you can't really see it from Barr Road because of the trees, but you could from Highland Road as you're driving by.

Mr. Hasman stated, that from Barr Road, the property actually goes down, so you wouldn't see much of it. He also stated that the neighbor behind him has a lot of evergreens, and is heavily screened. Mr. Flanders stated that his neighbor planted the trees when an adjacent fence went in.

Mr. Rose opened up questions to the audience. There were none.

Motion by Mr. Collin, seconded by Mr. Caruso to close Public Hearing. **MOTION CARRIED**

APPEAL 2022-42

James & Christine Senius for (1) a variance from Section 1185.03(a), maximum fence height of 4 ft. to allow 6 ft., and (2) a variance from Section 1185.02(d) to install a welded wire fence instead of the permitted types of fencing, shown on the drawing dated September 20, 2022, located at 8289 Brecksville Road, PP# 601-21-003.

James Senius spoke to the Board regarding his appeal. He explained to the Board that they moved from Texas and brought their husky dog, and she is a very energetic dog. They have been remodeling the home for the last year and a half, and wanted to install a fence as well, because there is no fence around the property. He lives on a corner lot, and had read that a fence can only be 3 ft. on one side and 4 ft. on the other sides. Their husky will run if given the chance, and that is the reason for the fence variance. The fence will be in the center of their lot from their walk out, not on the perimeter. Mr. Senius stated that their three closest neighbors do not have a problem with it. Mr. Senius went on to explain that from the documents that he has read, they recommend a 6 ft. fence for Husky dogs. When they lived in Texas they had a 6 ft. fence, and they never had any problem with the dog. There have been a couple of times, here, that she has gotten loose. They live on Brecksville Road, which is busy, and they are worried about their dog's safety, and also their safety, when trying to capture her. It is just a small area to fence her in. There are evergreens and a slope downhill with a shed near it, so there is not much visibility. The wire is a little harder for her to grab onto to be able to climb.

Mr. Rose asked, with regard to the type of fencing, if there was a reason an approved fence or wood type fence wouldn't work. Mr. Senius stated two reasons, if she tries to climb it, she will hurt her paws, and second, it is more expensive than chain link. He did state that if they didn't get the variance, they would do a chain link fence instead. Mr. Rose asked if she wouldn't be more likely to climb a chain link fence. Mr. Senius stated that is what they were reading in some of the materials they had. Mr. Rose brought up a wooden fence again. He stated it was the expense and visibility.

Mr. Hasman asked if he considered an invisible fence. Mr. Senius stated that Huskies are very persistent, and they keep running even though they get a shock, and then you have to worry about their fur overgrowing the collar, and it blocks the shock. Mr. Hasman asked how he had controlled the dog since moving here. Mr. Senius stated that she is in the house most of the time, but they also have a long 20 ft. lead, but it gets wraps around everything. Mr. Hasman confirmed

that a 4 ft. fence wouldn't contain the dog. Mr. Senius stated that he had a husky a long time ago and he jumped over a 4 ft. fence. Mr. Hasman stated that many people have come to the Board with this type of request, and have been denied, and asked Mr. Senius what he would do if this request isn't granted. He stated that there are many fences throughout the City that are taller than 4 ft. They just want to keep their dog safe.

Mr. Rose stated they are close to a major road and intersection, and understood the safety issue. He also clarified with Mr. Senius, that the main hardship is cost. Mr. Senius stated that was correct, and also the transparency and visibility to see through the fence. He stated again, that if they don't get the variance for the welded wire type of fencing, he would probably go with the chain link.

Mr. Rose opened up questions to the audience. There were none.

Mayor Hruby stated that the request for the fence is a good request, because it would be less intrusive than a wooden fence. The only thing he was concerned about, is if they use that kind of fence for the dog, would the dog injure himself on that fence. Mr. Senius wasn't sure, and said he would do more research on it. The Mayor stated that if the Board grants the variance, he should look into it more, so that the dog didn't injure his paws through the openings.

Motion by Mr. McCrodden, seconded by Mr. Collin to close Public Hearing.

MOTION CARRIED

APPEAL 2022-43

Donald Geitz for Mr. & Mrs. Attila Banto for a variance from Section 1151.24 minimum required 10 ft. side yard setback with a total of two side yards of 30 ft. to allow an 8 ft. side yard setback with a total of 18 ft. for a garage addition located at 7464 Old Quarry Lane, PP# 601-25-049.

Donald Geitz spoke to the Board regarding the Banto's appeal. Mr. Geitz stated he was the Banto's Architect. The Banto's have 5 kids, and their garages are full. They do not have any room to park their cars or store their kid's toys. He passed out pictures of the project to the Board to look at. He stated that the neighbor, Susan Sanders, has woods behind her, and the addition will match the house. The garage will be extra storage, and will have a roll up door on the front and back side, so they can use it both sides. It won't disturb the gutter of the existing house, so they can control the water on the front and the back. The architecture will be identical to the home.

Mr. Rose asked if they have spoken with the neighbor that is on the side where the addition will be built. Mr. Geitz stated that her name is Susan Sanders, and Mr. Banto has spoken with her, and there is no objection. Mr. Rose asked if they spoke to any other neighbors. Mr. Geitz stated that there are no other neighbors on that side, but they did not go house to house. Mr. Rose asked if it was possible to build the addition on the back of the house where they wouldn't need a variance. Mr. Geitz stated that on the back of the house there is a huge patio and a patio enclosure approximately 30x50. Mr. Geitz went on to state that the parents live with them along with the children, and the oldest child will be driving soon. They have had all their cars outside

because the kids play there, and use the garage for their bikes. The proposed garage will be for Mrs. Banto.

Mr. McCrodden stated that most of the homes there have side entrance garages, and wanted to know if there was any restriction on the garage facing the street. Mr. Synek stated that there made be deed restrictions, but the City does not have any ordinances requiring side entry garages.

Mr. Caruso asked if the garage door that will be facing the street will match the existing garage door, so it will all be uniform. He was concerned about the look of the roll up garage. Mr. Geitz stated that it will match. Mr. Caruso wanted clarification that the wood and trim will match the existing structure. Mr. Geitz stated that was correct, and the roof line will match the existing roof line as well.

Mr. Hasman stated that the proposed garage will be a pretty narrow garage, and won't leave a lot of room on either side to pull in. Mr. Geitz stated that it will leave them 8 ft. to walk on slope, and they can use the garage for storage and also there will be a 2 ft. path along the edge because it slopes towards the woods next door. They would have liked it to be bigger. Mr. Hasman stated that the inside will be fairly narrow because they have to offset it because of the chimney. Mr. Geitz stated that was correct, but he was informed that he could not do an extension to make it wider.

Mr. Collin asked if there will be any changes made to the driveway. Mr. Geitz stated that the driveway was already poured, and there will be no change. The driveway was poured ahead of this project

Mr. Rose opened up questions to the audience. There were none.

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

MOTION CARRIED

APPEAL 2022-44

Leslie McCafferty for (1) a variance from Section 1326.01, to allow air conditioning units in the front 50% of the side of the dwelling instead of the required rear 50%, and (2) a variance from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate, for the construction of a single family dwelling located at 9423 Parkview Drive, PP# 605-02-005.

Leslie McCafferty spoke to the Board regarding her appeal. She said her contractor, Frank Rini, was here as well. They are asking for a variance for the air conditioning unit. They are 350 ft. or more, setback from the street, and they are going to be building a wing wall, so it won't be visible from the street. The second variance is to not install sidewalks, because there are no sidewalks on Parkview.

Mr. Rose stated that he is looking at the topographical survey and it looks like there is a terrain issue that is stopping them from putting it in the back. Ms. McCafferty stated that it is terrain,

but also, they are having a walk out on the side and back, and would be cost prohibitive to try to relocate it there.

Mr. Rose opened up questions to the audience. There were none.

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

MOTION CARRIED

APPEAL 2022-45

Riley Shaw for a variance from Section 1185.02(d) to install a hog wire type of fence instead of the permitted types of fencing located at 8066 Farview Oval, PP# 601-06-039.

Riley Shaw spoke to the Board regarding his appeal. He is requesting a variance to install a hog wire type of fence similar to Mr. Senius. It is very similar to the split rail and post rail fences that are permitted, and feels that it fits the property well. The hardship is that they didn't like the aesthetics of a wood fence with the wire fabric. Mr. Shaw stated that he had a letter that two of his neighbors signed, that were fine with the fence, Alexandra Riczo, 8054 Farview Oval, and Kellie Zaccardelli, 8058 Farview Oval. His neighbors Ed and Joanne Zrimsek, 8061 Farview Oval, live across the street, and are also here in support of the variance.

Mr. Rose clarified that the request is really aesthetics request to fit the nature of the property, and also to have a fence that your animals will not be able to escape from. Mr. Shaw stated that was correct, and they also considered an invisible fence, but there is also wildlife on the property that they are concerned about.

Mr. Rose opened up questions to the audience. There were none.

Motion by Mr. Collin, seconded by Mr. McCrodden to close Public Hearing.

MOTION CARRIED

APPEAL 2022-46

Anna McCallion for (1) a variance from Section 1151.26(2), minimum required 10 ft. side yard setback, to allow 3.5 ft., and (2) a variance from Section 1151.23(4)(b) to allow a shed to be located, other than the rear yard, as required by code, and (3) a variance from Section 1151.03(c) to install a shed on a vacant lot (not permitted) located at 5554 Miller Road, PP# 604-14-003.

Anna McCallion spoke to the Board regarding her appeal. They are requesting a variance for a shed to be built in the side yard instead of the rear yard. She had hoped that the Board all had a chance to see the video that they submitted. They have over three acres, so there is area in the back where they could have put the shed, however, if they put it in the back where the woods are, there is no way to get the mower thru the part of the yard where the water is, especially in the spring and fall when it rains a lot. She mentioned that their property is lower, and the sump pumps from her neighbors also drain into their yard. She did talk to six out of seven of their neighbors, and submitted their approval, or lack of objection to the shed placement.

Mr. Rose stated that the video spoke well of the situation, which basically showed that she has a swamp in her yard, and the Board appreciated the letter that she submitted.

Mr. Hasman stated that he thought it was very thoughtful to consider her children and the fact that they would leave the property to them someday for their financial security. That implies that they could possibly sell the property. He wanted to know if it was not buildable at all. She stated that was not her area of expertise, the entire side lot is wooded. A fourth of their driveway is over the property line and doesn't seem ideal to split and sell as two separate lots. If they were to build a house, it would have to be built really far back, and be a super long driveway. She would eventually like to match the house to the colors of the shed. Mr. Hasman asked if they were to approve the shed, and then you or your children sell the property someday, it permits the new owner to put their shed right in that particular spot, and wondered if that would be an issue.

Mr. Caruso asked if they considered a lot split and consolidation. Mr. McCallion did not know about that until they talked to the Building Department. Mr. Caruso asked if they had planned on doing that. Mr. McCallion stated that he wasn't planning on it, and didn't know anything about it, other than if they could do it, and it was expensive.

Mr. McCrodden asked Mr. Synek, that the materials that were submitted, came to the attention of the Building Department from a complaint, and asked him the nature of the complaint. Mr. Synek stated that he didn't know the details, but we received a complaint.

Mr. and Mrs. McCallion stated that they knew. Mrs. McCallion stated that it was her neighbor, that worked on the Board of Zoning for 20 years, she did sign her paper, and she talked with her. She explained so much that she didn't realize, and that is why she apologized in her letter because they had no idea. She was incredibly helpful through this process, and she really appreciated her help in walking them through what they needed to do next. She noticed the shed when she was driving by, but she can't see it from her property at all. When she showed her the video and the reason behind the placement, she understood. Mr. McCallion stated that she also told them that they could have neighbors sign in their behalf, and said she would be the first one to sign.

Mr. Collin asked when they installed the shed. Mr. McCallion stated around 4 months ago. Mr. Collin asked if it was built on the same pad as the old shed. Ms. McCallion stated that it was not in the same spot as the other shed, it was on the other side of the yard.

Mr. Rose opened up questions to the audience. There were none.

Motion by Mr. McCrodden, seconded by Mr. Caruso to close Public Hearing.

MOTION CARRIED

APPEAL 2022-47

The City of Brecksville for a variance from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate, for the construction of a single family dwelling located at 7788 Brecksville Road, PP# 601-02-096.

Steve Synek spoke to the Board on behalf of the City. Mr. Synek stated that approximately six months ago, this lot was split off from Cambridge Village and now there is a proposal to have a house built there. The City negotiated an exchange that the City entrance sign is in the right of way where a sidewalk would go, and the homeowner has agreed to a future easement to move the sign into an easement onto the parcel and then allow the sidewalk. As part of the agreement, the City will install the sidewalk, but is asking for permission to postpone that sidewalk. Mr. Synek also stated that the sidewalk does not lead to anything at this time.

Mr. Rose opened up questions to the audience. There were none.

Motion by Mr. Hasman, seconded by Mr. Caruso to close Public Hearing.

MOTION CARRIED

APPEAL 2022-48

Wade & Jaclyn Perry for a variance from Section 1151.24 from the minimum required 125 ft. front yard setback to allow 52.5 ft. for a front porch and a rear addition on a non-conforming house located at 6837 Oakes Road, PP# 603-07-020.

Wade and Jaclyn Perry spoke to the Board. Ms. Perry stated that their family is growing, and it is a small house, and they would like to add an addition to bump out the kitchen on the back and get rid of the deck, and add a mudroom.

Mr. Rose clarified with Mr. Synek that because this is a non-conforming house, anything that would be built there would need a variance.

Mr. Hasman asked how far the front porch would extend from the front of the house now. Ms. Perry stated that it would be coming out 8 ft., but from the tiny porch it would be another 4 ft. Mr. Hasman confirmed that it wouldn't be overly disruptive to the other frontages of the homes there. Mr. Perry stated that it wouldn't. It won't go out any further than the existing walkway.

Mr. Caruso stated that it would probably be more consistent with the other houses that added beautification projects there.

Mr. Rose opened up questions to the audience. There were none.

Motion by Mr. Gagliano, seconded by Mr. Caruso to close Public Hearing.

MOTION CARRIED

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
OCTOBER 10, 2022**

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

Absent: None

Others: Building Inspector Synek, 16 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF AUGUST 8, 2022

Motion by Mayor Hruby, seconded by Mr. McCrodden, to approve the Regular Meeting minutes of August 8, 2022, as recorded.

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

MOTION CARRIED

APPEAL 2022-39

Motion by Mr. McCrodden, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.25(d)(2)(B) from the maximum 192 sq. ft. to allow 256 sq. ft. for a shed located at 9979 Barr Road, PP# 604-04-028.

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

MOTION CARRIED

APPEAL 2022-42

Motion by Mr. Collin, seconded by Ms. Gagliano, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1185.03(a), maximum fence height of 4 ft. to allow 6 ft., and (2) a variance from Section 1185.02(d) to install a welded wire fence instead of the permitted types of fencing, shown on the drawing dated September 20, 2022, located at 8289 Brecksville Road, PP# 601-21-003.

ROLL CALL: Ayes: Gagliano, Caruso, Hruby, Collin, Rose
Nays: McCrodden, Hasman

MOTION CARRIED

APPEAL 2022-43

Motion by Mr. Hasman, seconded by Ms. Gagliano, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 minimum required 10 ft. side yard setback with a total of two side yards of 30 ft. to allow an 8 ft. side yard setback with a total of 18 ft. for a garage addition located at 7464 Old Quarry Lane, PP# 601-25-049.

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

MOTION CARRIED

APPEAL 2022-44

Motion by Mr. Caruso, seconded by Mr. Collin, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1326.01, to allow air conditioning units in the front 50% of the side of the dwelling instead of the required rear 50%, and (2) a variance from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate, for the construction of a single family dwelling located at 9423 Parkview Drive, PP# 605-02-005.

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

MOTION CARRIED

APPEAL 2022-45

Motion by Mayor Hruby, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1185.02(d) to install a hog wire type of fence instead of the permitted types of fencing located at 8066 Farview Oval, PP# 601-06-039.

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

MOTION CARRIED

APPEAL 2022-46

Motion by Mr. Collin, seconded by Mr. McCrodden, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1151.26(2), minimum required 10 ft. side yard setback, to allow 3.5 ft., and (2) a variance from Section 1151.23(4)(b) to allow a shed to be located, other than the rear yard, as required by code, and (3) a variance from Section 1151.03(c) to install a shed on a vacant lot (not permitted) located at 5554 Miller Road, PP# 604-14-003.

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

MOTION CARRIED

APPEAL 2022-47

Motion by Mr. McCrodden, seconded by Mr. Caruso, 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 that the City deems appropriate, for the construction of a single family dwelling located at 7788 Brecksville Road, PP# 601-02-096.

ROLL CALL: Ayes: Gagliano, Caruso, Hasman, Hraby, Collin, McCrodden, Rose
Nays: None
MOTION CARRIED

APPEAL 2022-48

Motion by Mr. Caruso, seconded by Ms. Gagliano, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 from the minimum required 125 ft. front yard setback to allow 52.5 ft. for a front porch and a rear addition on a non-conforming house located at 6837 Oakes Road, PP# 603-07-020.

ROLL CALL: Ayes: McCrodden, Gagliano, Hasman, Caruso, Hraby, Collin, Rose
Nays: None
MOTION CARRIED

REPORT OF COUNCILMEMBER CARUSO

Councilmember Caruso was pleased to report there are two new companies coming to Brecksville. The Tide Cleaner Company on the south side of town, and also Family Ambulance with over 200 employees, looking to grow to 300 employees. Mr. Caruso congratulated the administration on doing a great job to attract companies that generate a nice revenue for the City. He also reported that construction started on the sewer project on Rt. 82 and Calvin Drive. There will be traffic delays, and the more you can avoid that area for the next several months they recommend it. Also, construction on the Glenwood Trail project should start in February sometime. Mr. Caruso also reported that the City facilitated, for the school district, the selling of Chippewa School. It was purchased by a company that has a school for children with Autism. The building will remain as is, but will be updated, and hopefully they can work something out to utilize the fields on the side, which will be a good thing for the Recreation Department, and our schools as well. The City's Booville Halloween Party will take place October 23, 2022 from 1:00 to 4:00 at the Community Center, and there will be a lot of activities for the kids to celebrate Halloween.

REPORT OF MAYOR HRUBY

The Mayor reported that The Charter Review Commission has convened and was appointed. They are meeting twice a month between now and May or June of next year, when the issues will be placed on the ballot. They will ask the Chairman on the Board of Zoning Appeals, on behalf of the Board, if there are any recommendations from anyone to change the Charter, relative to anything, not just Board of Zoning. Citizens are welcome to come to the meetings as well, to bring up anything for review. The Mayor said they are dedicated, and are doing a fine job.

The Mayor also reported that Dominic Caruso was named to the Brecksville Broadview Heights Gallery of Achievement, which is a great honor. There are only 50 plus students and faculty in the district, that have been named to it. The reason he was appointed, was his dedication to the community and his family business. Dominic was also on a state championship winning soccer team, and was also a state champion, individually, as a wrestler. He was the only person in the district, that has been on two state championships, on two different sports. The Mayor congratulated him.

Chairman Rose suggested that the Board review the Charter, and if there is something that the Board thinks they should consider, we could set up a session after one of our meetings to discuss it.

Motion by Mr. Hasman, seconded by Mr. Collin, to close the Regular Meeting at 8:39 p.m.

MOTION CARRIED

THE BRECKSVILLE BOARD OF ZONING APPEALS

DENNIS ROSE, CHAIRPERSON

ROBERT HASMAN, VICE CHAIRPERSON

BRUCE MCCRODDEN, SECRETARY

Public Hearing and Regular Meeting recorded by Gina Zdanowicz