

**MINUTES OF PUBLIC HEARINGS  
BRECKSVILLE BOARD OF ZONING APPEALS  
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL  
FEBRUARY 13, 2023**

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

Absent: McCrodden

Others: Building Inspector Synek, 15 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 2023-03**

Fred Ramos, Esq. for Anna Twarowska for (1) a variance from Section 1185.03(a) maximum fence height of 4 ft., to allow a 6 ft. fence height, and (2) a variance from Section 1185.02(d) to install a solid board type fence instead of the permitted types of fence, and (3) a variance from Section 1151.23(4)(b) to allow a fence to be located in, other than the rear or side yard, as required by code, (4) a variance from Section 1151.03(c) to install a fence on a on a vacant lot (not permitted), located at 13161 Chippewa Road, PP# 602-30-018.

Mr. Rose recused himself from the discussion, as he had provided some counseling to Mr. Anzalone in the past. He turned the discussion of Appeal 2023-03 over to Mr. Hasman.

Mr. Fred Ramos spoke to the Board regarding Anna Twarowska's appeal. He passed out some pictures of the project to the Board, and stated that they are looking for a variance on the lot, just east of Riverview Road. The lot is located behind the veterinarian clinic and the bar on the corner of the street. Mr. Ramos went on to explain that it is 5 ½ acres, and there is a home and accessory buildings on seven different lots. The home itself sits back approximately 200 ft. back from Rt. 82. Basically what they are looking to do, is install a fence behind the property line on the west side of their property going back. The property is adjacent to two commercial properties, and they are looking to install a 6 ft. fence for privacy as well as security. Mr. Ramos went on to explain that in reading our ordinances, a commercial property is allowed to install a 6 ft. fence. With regards to the variance of installing a fence on a vacant lot, there was a previous fence on the property that was adjacent to the residential house, they have seven parcels. Mr. Ramos stated that the fence will not be very visible from the street, the only people it would be visible to, is the property owner and the veterinarian clinic and bar. +

Mr. Hasman wanted to clarify that there is an empty lot between where the fence was proposed and the house, and wanted to know if it was owned by the appellant. Mr. Ramos explained what the appellant owned, and where the proposed fence would go on the overhead screen. Mr. Hasman stated that this situation had gone on for a number of years, and asked what had been the catalyst that had caused them to do something now. Mr. Victor Anzalone, owner, spoke to the Board to answer the question. He stated that in real estate, it is common to have multiple parcels that make

up a single home, it is not uncommon. Mr. Hasman clarified that it is all owned by them. Mr. Anzalone stated that was correct. Mr. Ramos explained that it was purchased all as one. Mr. Hasman asked again, why now, all of a sudden, was he requesting this variance. Mr. Anzalone stated that it has been an accumulation of things over the years. Unfortunately, when they go out in their back yard, there are cameras pointed at them from the veterinarian clinic, and they have accused them of trespassing on their property, which they have not. The veterinarian clinic has called the police department numerous times on them, and the police has come over to talk to them. Also, the patrons of the bar and veterinarian clinic, have come on to their property more frequently in the last couple of years. All three sides of their property border the park, so people get the impression that their back yard is the park, and unknowingly walk on their property, and some people are more brazen about it. Mr. Hasman stated that he understood the need for a fence, but why a 6 ft. fence, and why should it be a solid board fence, instead of a board on board, which is permitted. Mr. Anzalone stated that the reason they are asking for a 6 ft. fence, was because it is adjacent to a commercial district. If it was a 4 ft. fence people would be able to still stand there and look into their back yard, and can see right into their bedroom windows. With a 6 ft. fence, you wouldn't be able to look over into the rear of their home. The solid board fence, is private. The permitted fences, really don't give you privacy. Mr. Ramos stated that what was ironic, is that the adjacent commercial property owners, would be able to install a 6 ft. fence there, but he can't because his property is zoned residential. Mr. Hasman asked, that based on how the cameras are situated on the veterinarian property, would a 6 ft. fence prevent them from looking into your bedroom windows. Mr. Anzalone answered yes, that depending on where you're at on the lot, the elevation there can be 3 to 5 ft. higher than his lot. The fence will help a lot, but won't completely block the view. Mr. Hasman asked about the trees and the screening that is currently there, and if it would remain there. Mr. Anzalone stated that they would, they are very respectful with regards to the trees, that was one of the reasons they moved there. No trees will be touched, and if one is in the line of the fence, they would probably go around it, or not have a section of fence there.

Mr. Collin stated that he spent a good amount of time on Sunday on the property between his house and the veterinarian clinic. He asked Mr. Anzalone if the parcel to the immediate west of the tree line was one of the parcels that comprised his property. Mr. Anzalone stated no, that is a parcel that was split off and sold separately to the vet. Mr. Collin stated that he studied the roof and poles around the vet clinic, and didn't see any surveillance cameras, and was curious to know where they were positioned, with him having a privacy concern. Mr. Anzalone stated that he was told by the vet's husband that they are inside the main 6 ft. window of the lobby facing the house. When you walk into their lobby area, you can see directly into the back yard of his home. Mr. Collin stated that there are no windows on that side his house facing the veterinarian clinic. Mr. Anzalone stated that there are two bedroom windows and sliding glass doors.

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

Before moving on to the next appeal, Mayor Hruby wanted to clarify something that was asked of Mr. Anzalone. He asked where the sliding doors and the two windows were, that he was referring to. Mr. Anzalone stated that they are on the rear of the house. Mayor Hruby clarified that it was facing to the north. Mr. Anzalone stated that the clinic is set back 300 ft. from the road, which is 100 ft. behind his house. The Mayor then clarified that the view from the vet would be looking

south east at an angle. Mr. Anzalone stated that it views the entire back yard of their property. If you stand in that location, you can see north east and south.

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

**APPEAL 2023-04**

Timothy & Stacey Gehlmann for a variance from Section 1326.02 to install a generator in the side yard, on a corner lot, instead of the rear as required by code, located at 10230 Woodview Way, PP# 605-24-035.

Tim Gehlmann spoke to the Board regarding his appeal. He stated that his request was to install a generator in the side yard instead of the rear yard. The reason for the request was because, in the course of the construction of the property, the builder installed transfer switches, a gas line and an electrical panel on the side of the house, where they were going to install a generator. In part of the review process with the builder on what they would finish, as opposed to what the owner would finish, they decided not to have the builder install the generator, and they would install it later. When the contractor that they hired applied for a permit, they were informed that they would need a variance. Mr. Gehlmann went on to explain that the reason they can't install it in the back yard, is they have a slate patio, and coming around the corner in the back of the house is the pool equipment and air conditioner. There is also a window that goes to the basement there. He stated that the location on the side of the house would not be very visible from the street.

Mr. Rose clarified that the builder designed it to have the generator installed on the side of the house. Mr. Gehlmann stated that was correct. Mr. Rose asked if it was at their request or was it the contractor. Mr. Gehlmann stated that was how the contractor designed it. Mr. Gehlmann also stated, that subsequent to finding out they needed a variance, they got approval from the Homeowner's Association, which was included in the Board's packet. Mr. Rose stated that because he is on a corner, it is hard to hide, but that it looked like they plan on tucking it back behind a jut out of the house. Mr. Gehlmann stated that was correct, and explained the layout of the equipment and window to the basement, to the Board, on the overhead screen. He stated that he planned on installing shrubs in front of it.

Mr. Hasman clarified that Mr. Gehlmann stated he would install shrubs in front of the unit. Mr. Gehlmann stated that was correct, to help hide it from the street. Mr. Hasman stated that a number of shrubs around the unit would help, because the unit tests on a regular basis and does make some noise, and when they are operational in an emergency, they make a lot of noise. Mr. Gehlmann stated that the unit tests, and is programmed to come on once a week for 5 minutes to charge. You can program it anytime, so they have it set to come on at noon on a Wednesday, because most people are not home, or they can do another time if needed.

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

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

**APPEAL 2023-05**

Evergreen Woodcraft for Mark & Christy Sponseller for a variance from Section 1151.26(2) to place a shed in front of the building line, on a corner lot, as shown on the drawing dated 1-19-23, located at 6610 Morningside Drive, PP# 603-21-077.

Steve Keiper, Evergreen Woodcraft, spoke to the Board. The owners were present as well. Mr. Keiper explained that this variance was an adjustment from the previous request for a variance for the shed location. It was previously requested much closer to the street, and they now have moved it further away from the street, to the other side of the existing landscape bed, and have a landscaper that will install some shrubs. They took off some of the details of the shed, such as the windows, and more shrubbery to hide the building. Mr. Keiper stated it is still in front of the building line, but pretty much right on the other side of it, and explained the location of it to the Board. Mr. Keiper stated they did talk to a lot of the neighbors that said it was fine, Mr. & Mrs. Romance, which are directly to the west, came and spoke at the last meeting, and requested a more detailed landscape plan, and they included that, with shrubbery and grasses to screen it.

Mr. Rose stated for the record, that they received the letter of support from the Romance's, which are most affected. Mr. Rose had a question for Mr. Synek, he stated the building line is off of Greystone, and asked Mr. Synek why the address was on Morningside Drive and not Greystone. Mr. Synek explained that it is a corner lot, and there are two front yards, and that the front of the house and the front door faces Morningside Drive.

Mr. Hasman stated that on the drawing there are a lot of circles, and asked if that is where the vegetation will go. Mr. Keiper stated that was correct, the landscaper and designer have talked about what would look best. It will be a nice looking flower bed with a mixture of plantings, and will conceal the building almost entirely. Mr. Hasman stated that they will be relatively tall. Mr. Keiper stated that was correct. The goal is to be about 7 ft., the building is about 9 or 10 ft. tall.

Mr. Collin asked if the shed would be constructed after the deck is completed. Mr. Keiper stated that the deck is currently being built by a different contractor, there is a lot going on at the house. The shed will then be done as quickly as they can get it on the schedule. Mr. Collin asked if the blue stakes in the lawn were markers of where the shed would be going. Mr. Keiper stated that the black flags with blue stakes were the correct location. Mr. Collin asked if the exterior of the shed would match the house. Mr. Keiper stated that it is a custom shed, so the siding trim and roof will match.

Mr. Hasman asked if the opening to access the inside of the shed would be on the left side. Mr. Keiper stated yes facing the existing driveway, for bikes and other things. That is what the Romance's requested as well.

Mr. Rose asked Mr. Synek that if the front of the house is the building line, there would be no need for a variance. Mr. Synek stated that was correct.

Mr. Collin asked if the neighbor's driveway to the south abuts the boundary. Mr. Keiper stated yes, it is very close.

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

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

**APPEAL 2023-06**

Boomer & Sanja Kotchin for a variance from Section 1151.24 a minimum 30 ft. total side yards required to allow 28 ft. for an addition located at 10728 Partridge Trail, PP# 602-05-062.

Mr. Kotchin and his contractor Jeff Romanini, spoke to the Board regarding his appeal. He passed out another picture to the Board, and went on to explain that they are in the midst of starting the renovation to the exterior of the house, which would extend the outdoor patio wider and deeper into the yard. The width extends 2 ft. into the setback of 30 ft. The reason for that was, if they go west there is a kitchen window, and if you go over that, you will block natural sunlight into the kitchen, which they don't want to do. The idea would be to go to the east, but not outside the chimney line, it would line up flush with the edge of that. It will give them more space under the covered patio. They want to add more functional value to their home.

Mr. Romanini stated that it would also help from a safety standpoint being that section will be off to the side, and won't be directly out from his sliding glass door. He also stated that as you can see from the site plan, he is already limited now, he just meets the 15 ft. on both sides now. If he goes out one way or another, he still would have needed a variance.

Mr. Kotchin stated that in regards to safety like Jeff said, the bump out is where the grill unit and other cooking stations will be. To pull it away from the center area of the covered patio just adds safety, because he has two small children. It separates the two areas and gives them space to cook as well as entertain.

Mr. Rose clarified that if he were to move the addition over, it would impact the kitchen window and slider. Mr. Kotchin stated that it would impact the window, and Mr. Romanini added that it would also impact the window above in the bathroom. Mr. Kotchin showed the location to the Board on the overhead drawing.

Mr. Hasman asked if he had checked with his neighbors. Mr. Kotchin stated that he did, Dominic Caruso is the neighbor on the east side, there are some privacy shrubs on that side that will stay. and he also has a signed document from the other neighbor, Joseph Gaby. Mr. Hasman clarified that he will still have plenty of room between the vegetation and the new addition for moving equipment to the back if necessary. Mr. Kotchin stated that was correct.

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

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

**MINUTES OF REGULAR MEETING  
BRECKSVILLE BOARD OF ZONING APPEALS  
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL  
FEBRUARY 13, 2023**

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

Absent: McCrodden

Others: Building Inspector Synek, 15 guests

**APPROVAL OF THE 2022 BOARD OF ZONING APPEALS ANNUAL REPORT**

Motion by Mayor Hruby, seconded by Mr. Collin, to approve the 2022 Board of Zoning Appeals Annual Report as written.

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

Nays: None

**MOTION CARRIED**

**APPROVAL OF THE REGULAR MEETING MINUTES OF JANUARY 9, 2023**

Motion by Mr. Hasman, seconded by Mr. Caruso, to approve the Regular Meeting minutes of January 9, 2023, as recorded.

ROLL CALL: Ayes: Gagliano, Caruso, Hasman, Hruby, Collin

Nays: None

Abstain: Rose

**MOTION CARRIED**

**APPEAL 2023-03**

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 1185.03(a) maximum fence height of 4 ft., to allow a 6 ft. fence height, and (2) a variance from Section 1185.02(d) to install a solid board type fence instead of the permitted types of fence, and (3) a variance from Section 1151.23(4)(b) to allow a fence to be located in, other than the rear or side yard, as required by code, (4) a variance from Section 1151.03(c) to install a fence on a vacant lot (not permitted), located at 13161 Chippewa Road, PP# 602-30-018.

Before the vote, Mr. Hasman asked about the material of the fence, and if it was cedar. Mr. Anzalone stated that they did some research on the Western Reserve style, and it was actually pine, which is an old method that they used to preserve without painting. It has a charred look, and is oiled with linseed, and is 100% biodegradable. It's what you would have seen 100 years ago. Mr. Hasman asked that in a year or two, would it fade and blend in with the surroundings, or will it stick out. Mr. Anzalone stated that it will blend in nicely with the surroundings, and can be retreated with linseed oil every couple of years.

Mr. Rose stated that he will be abstaining from the vote, and offered the appellant the option of tabling, because he will be recusing himself, and there are only 5 other members that will vote. Mr. Anzalone asked to move forward with the vote.

ROLL CALL: Ayes: Hasman, Caruso, Hrubby, Gagliano  
Nays: Collin  
Abstain: Rose  
**MOTION CARRIED**

**APPEAL 2023-04**

Motion by Mr. Collin, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1326.02 to install a generator in the side yard, on a corner lot, instead of the rear as required by code, located at 10230 Woodview Way, PP# 605-24-035.

ROLL CALL: Ayes: Collin, Gagliano, Hasman, Caruso, Hrubby, Rose  
Nays: None  
**MOTION CARRIED**

**APPEAL 2023-05**

Motion by Mr. Hasman, seconded by Mr. Collin, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.26(2) to place a shed in front of the building line, on a corner lot, as shown on the drawing dated 1-19-23, located at 6610 Morningside Drive, PP# 603-21-077.

ROLL CALL: Ayes: Gagliano, Hasman, Caruso, Hrubby, Collin, Rose  
Nays: None  
**MOTION CARRIED**

**APPEAL 2023-06**

Motion by Mr. Collin, seconded by Ms. Gagliano, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 a minimum 30 ft. total side yards required to allow 28 ft. for an addition located at 10728 Partridge Trail, PP# 602-05-062.

ROLL CALL: Ayes: Caruso, Hrubby, Collin, Gagliano, Hasman, Rose  
Nays: None  
**MOTION CARRIED**

**REPORT OF COUNCILMEMBER CARUSO**

Mr. Caruso reported that the Charter Review Committee continues to meet, and they have been working very diligently, on the process that the City goes thru every 10 years. The next meeting will be February 27, 2023, at 6:00 p.m. at City Hall. It is open to the public, and if anyone is interested, he encouraged them to attend. The next Planning Commission meeting will be February 23, 2023, at 7:00 p.m., also at City Hall. Mr. Caruso went on to report, that the work on Glenwood Trail is progressing nicely, as is the work on Chippewa Road and Calvin Drive.

Bids were submitted to the school board for the Highland School property, so they will see how that turns out. Mr. Caruso wished everyone a Happy Valentine's Day.

**REPORT OF MAYOR HRUBY**

Mayor Hruby reported that the State of the City address will be on February 22, 2023, at 7:00 p.m., and Conversation with the Mayor will be on February 21, 2023, at 2:00 p.m. The Mayor also reported that City Hall will be closed on February 20, 2023, for President's Day, and wished everyone a Happy Valentine's Day.

**CHAIRPERSON ROSE** stated that the Charter Review Committee asked the Board to comment on something that is being considered, which is an alternate to Planning Commission and Board of Zoning Appeals. It is being considered for two reasons, for one, it gives one more seat for people to gain experience with the City government, and two, it gives an opportunity for the alternates to attend, if someone can't make the meeting or is on vacation. There will be less issues with having a quorum, and voting. That person would not participate unless someone was absent. Mr. Rose stated that he personally felt it was a good idea, and opened it up to the other Board members for discussion. Everyone gave their opinion, and felt that it was a good idea as well. Mr. Hasman mentioned that one of the questions that Mr. Rose might want to ask, is what the proposed term would be, would it be 5 years, the same as the current Board members. Mr. Rose assumed that it would be. Mr. Caruso asked about it maybe being a clause in the Charter. The Mayor stated that they were talking about not having it in the Charter, and giving City Council the power to have each of the Boards to make their own decision if they want an alternate, and that is where it sits right now. Mr. Rose said he would pass the information along to the secretary for the next meeting.

Motion by Mr. Caruso, seconded by Mr. Hasman to close the Regular Meeting at 8:24 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