

**MINUTES OF PUBLIC HEARINGS  
BRECKSVILLE BOARD OF ZONING APPEALS  
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL  
JUNE 13, 2022**

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

Absent: None

Others: Building Inspector Synek, 19 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 2022-22**

Rachel & William Ealy for (1) a variance from Section 1151.25(d)(2)(C) from the maximum 240 sq. ft. to allow 320 sq. ft., and (2) a variance from Section 1151.26(2), minimum side yard setback of 10 ft. to allow 5 ft., for the construction of a shed located at 10340 Whitewood Road, PP# 601-23-014.

Mr. Ealy spoke to the Board regarding his appeal. He explained that he has taken up wood-working, and currently works out of his garage. He went on to explain he has two boys, and the tools are in close proximity to the kids which is not conducive to their health and wellbeing. They were hoping to move the woodworking tools into a separate locked space, away from the access of their children. With regards to the reason for the variance on the setback, they need 5 ft. instead of 10 ft. to the property line, is in hopes that they can install a playset for the kids. If they went further over, they would not have the space for the playset.

Mr. Rose asked if that was the reason they were orienting it horizontally to the property line. Mr. Ealy stated that they changed it to be perpendicular, but still 5 ft. from the lot line, so they could fit the playset before the hill. Mr. Rose asked if the slope is impacting what they can and can't do back there. Mr. Ealy stated that was correct.

Mayor Hruby asked Mr. Ealy for clarification on the placement of the shed, and asked if what was presented, was not accurate. Mr. Ealy stated it now will be perpendicular, not horizontal.

Mr. Rose asked if that change had been submitted to the Building Department. Mrs. Ealy stated that it had not. Mr. Ealy went on to say that they have two letters from their neighbors, Daniel and Pamela Rable and Chris Mitchell and Mike Bratz. Ms. Mitchell stated that she would prefer the shed closer, it would be better aesthetically. Mr. Rose clarified that they were aligning the shed with the house. The Ealy's stated that was correct.

Mr. Hasman made the comment, that the neighbors to the right, will see the full 14 ft. elevation side, and asked the Ealy's if that was right. Mrs. Ealy stated that their house is higher than

theirs, so they wouldn't necessarily see the full 14 ft. Mr. Hasman asked how they arrived at the decision, that they needed a shed that was larger than what was code compliant. Mr. Ealy stated that he took the garage space that he was currently using for the woodshop, and added 2 ft. on each side for cabinetry or whatever else he would need.

Mr. Rose asked if he would just be installing electric there, no water or heat. Mr. Ealy stated that was correct.

Mr. Collin stated that he did take a look at their backyard, and was curious about the neighbor's property being elevated, in relation to their backyard, and asked if they anticipated water runoff problems, if they have a shed in that location. Mr. Ealy stated that there is a swale there, and so far, they have not had any water intrusion from their yard. Mr. Ealy stated they would be happy to install a French drain if needed. Mr. Collin clarified that the neighbor understood the size of the shed that they were proposing. The Ealy's stated that was correct.

Mayor Hruby stated that they will be running electricity to the shed underground, and asked if there would be any kind of a driveway or walkway to it. Mr. Ealy stated that there would be a 3 ft. wide sidewalk going to it. Mayor Hruby clarified that there would be no vehicles being driven back there. The Ealy's stated that was correct.

Mr. Hasman asked how the height of this structure compared to the height of their home. Mr. and Mrs. Ealy stated that the shed would be shorter, they have a two story home. Mr. Hasman stated that with the shed being 14 ft. high, there would be room for storage up above the workshop. Mr. Ealy stated yes, he will be using it for lumber and supplies.

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

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

**MOTION CARRIED**

### **APPEAL 2022-23**

Jim Hanna for Patricia Jordan for (1) a variance from Section 1151.25(d)(1) maximum 660 sq. ft. to allow 900 sq. ft., and (2) a variance from Section 1183.15(a) not to install a hard surface driveway for the construction of a detached garage located at 8506 Brecksville Road, PP# 601-18-017.

Mr. Hanna spoke to the Board regarding their appeal. He stated that he reduced the size of the garage, from last month, when he went before the Board. He stated that when he touched based on some of the things last month, he had lost his train of thought, and apologized. He went on to explain the driveway variance. Mr. Hanna stated that to install a hard surface drive, it would require a variance, there is not enough room on either side of the house to have the setback from the property line that is required. He also stated that the cost is astronomical, and would cost him more than the garage. Mr. Hanna stated that he spoke with his neighbors about it, and they don't want to see a driveway in the rear of his property either. It is a beautiful yard, and installing a driveway through it, would be an eyesore. He went on to say that someone asked at the last

meeting about emergency vehicles having access to the back of his property. He explained that there is a large barn back there now, and it has been there since 1950. The house has been in his family since his grandfather built it, and not once have they had an occasion where they needed an emergency vehicle to go back there. He is not doing anything different then changing the building, there is no driveway there now. Mr. Hanna stated that the code is calling it a garage, but they are not driving in and out of it daily, it is going to be for his workshop and storage. He will only be storing one vehicle in it for the winter. The garage is 240 sq. ft. over what the code allows. The current building that is there now, is slightly smaller than what he is building. He is taking down an old, ugly structure, and replacing it with an attractive new structure. He submitted letters at last month's meeting from his two neighbors north, and two neighbors south of him, that are fully on board with his project. Mr. Hanna stated that he took a walk on Brecksville Road, and there is about a thirty to forty foot stretch of Rt. 21, where you would be able to see just a corner of the new structure, and went on to say that he planted a bunch of trees, so in a few years, you won't even be able to see that. Mr. Hanna stated that it would hardly be visible from the street. He went on to explain, that at the last meeting, it was brought up that you could have two structures. He didn't want to do that because then you would have a new structure next to an old structure, and it would be an eyesore to have two buildings. One building this size would fit his needs, and wouldn't be offensive to anyone. He didn't want to set a precedence, and would hate to see large monstrosities popping up all over town, but the location of his, is such, that you won't be able to see it. He felt the precedence has already been set, there are several large buildings in town, but in reasonable locations. Mr. Hanna went on to state that he is trying to ease into retirement, and he and his wife are starting on a multi-phase property improvement project. This structure is necessary for him to move forward, because he is running out of space. The barn is full, and so is his garage, and he has no room to work. His former roommate was a pack rat, and since he has passed away, he has taken several trips to the scrap yard from all the junk that he collected. He will be able to make this property much more presentable with this new structure.

Mayor Hruby asked how many vehicles he normally has parked in his driveway. Mr. Hanna said that he usually has three to four vehicles. Mayor Hruby stated that if he put the driveway in, he could park some of the vehicles in the garage. Mr. Hanna stated his goal was to move his woodshop from the front garage to the new structure and then park his two cars in the front garage.

Mr. Caruso clarified with Mr. Hanna, that this new structure is going to replace the barn in the back. Mr. Hanna stated that was correct. Mr. Caruso commented, that was explained better this evening, than the last time. Mr. Caruso also stated, that the structure is heavily screen looking straight on from the house, you are just able to see a little corner of it, as you travel north.

Mr. Rose opened up questions to the audience. Ms. Laura Van Antwerp, 8524 Brecksville Road spoke to the Board. She stated that when Jim explained the project to her, she felt it was very lovely, and she will be able to look at that sitting in her sunroom. She felt it would make things nice and neat. She also mentioned that since the time that Jim's roommate passed away, they have been working non-stop to get it organized. She told the Board that she asked Jim if it was

alright to speak at the meeting this evening. She really wanted the Board to know that she didn't want a hard surface driveway going back to the new structure, she is in favor of no hard surface.

Mayor Hruby asked Mr. Synek if the owner of the house, Mrs. Jordan, agreed with this. Mr. Synek stated that we received a form, that the applicant could speak in her behalf. Mr. Hanna stated that she was at the last meeting, she just couldn't make it tonight.

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

**MOTION CARRIED**

**APPEAL 2022-24**

Kristen Kilburg for a variance from Section 1151.24 minimum 10 ft. side yard setback required to allow 5 ft. for a garage addition on a non-conforming house located at 8643 Brecksville Road, PP# 601-24-010.

Kristen Kilburg spoke to the Board regarding her appeal. She stated that she currently had an attached two car garage, and she would like to add an additional three car garage onto it. She stated that her driveway always looks like a parking lot. She has five adults living in her home, each with their own vehicle, as well as, a couple of motorcycles. The request is to stay in line with the existing garage. The addition would go right in line and be the same height.

Mr. Rose clarified that the front elevation would look the same and will match. Ms. Kilburg stated that was correct. Mr. Rose asked if it was an additional two or three car garage. She stated that she is hoping for an additional three car garage, which will be 24x42. Mr. Rose clarified with Mr. Synek that it really didn't matter on the size, because it is attached, it just has to meet the setbacks. Mr. Synek stated that was correct, it is the side yard setback.

Mayor Hruby clarified with Ms. Kilburg, that it will be an attached garage. Ms. Kilburg stated that was correct.

Mr. McCrodden asked what changes she would need to make to her driveway with the new addition. Ms. Kilburg stated this was the beginning of many improvements to the front yard, so it depends on the size of the garage that she ends up with. She explained that there is currently asphalt, and a concrete pad, and she is looking to make the whole horseshoe concrete. To camouflage the addition to the garage, there will be landscaping.

Mr. Rose asked if she had spoken with her neighbors. Ms. Kilburg stated that she made two attempts to talk to the neighbors directly across from her, who would see the majority of it, but she didn't connect with them. She has new neighbors in the corner house, and has made attempts, but has never seen anyone.

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 2022-25**

Ray Fogg Building Methods, LLC. for a variance from Section 1157.29(d)(1) a minimum 75 ft. rear setback required, to allow a varying & minimum setback of 50 ft. as shown on the drawing dated 5-17-22 along the new east property line for the construction of the new Miller Road ramps, located at PP# 604-16-012, 604-16-013, 604-16-005, 604-16-009.

Mike Merle, President of Ray Fogg Building Methods, LLC. spoke to the Board. He stated that the State and City are going forward with the new north and south bound ramps off of I 77 and Miller Road. As part of that improvement, the State and City is taking a strip of land from them along I 77. He stated that he is here to request a variance, that will partially mitigate the reduction of buildable acreage resulting from this proposed taking, while at the same time maintaining or increasing the physical setback of future developments from the center line and traffic lanes of I 77. The taking is a little less than an acre, and by this adjustment on the proposed setback, they will be able to compensate for half of that. Mr. Merle felt that it was a reasonable request, and they are not asking to build any closer to the existing traffic on I 77, and there are no other neighbors that will be affected.

Mr. Rose clarified that they want to maintain the current setback line by getting this adjustment. They will still be on the same, but varying because of the sliver that is being taken by the State and City. Mr. Merle stated that was correct. When the new property line and setback becomes less than 75 ft., which they are suggesting a limit of no less than 50 ft. distance between the new property line and proposed setback. Mr. Rose clarified with Mr. Merle that parcel I, is really the only parcel that will have a new setback line. Mr. Merle stated that was correct.

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

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

**MOTION CARRIED**

### **APPEAL 2022-26**

Jason Samblanet for a variance from Section 1151.24 from the minimum required 10 ft. side yard setback to allow 9 ft., and a minimum 30 ft. total side yards to allow 24 ft. for an addition on an existing attached garage located at 4555 Hunting Valley Lane, PP# 601-13-042.

**Mr. Rose recused himself from the discussion, since he is a neighbor of the appellant, and is also on the Board of the HOA for Hunting Valley Lane, and turned the discussion over to Vice Chairperson, Mr. Hasman.**

Mr. Samblanet spoke to the Board regarding his appeal. He stated right now, he has a two car garage that faces the rear of the house. The driveway goes along the side of the house, and then you back into the two stalls. They didn't realize when they bought the house, how impractical it was. The design is very tight, and they have a van and an SUV because they have three children. In order to alleviate that, the plan is to tear that garage down and face it forward. The variance request is to move six feet to the right towards the property line to create more space in the garage.

Mr. Hasman stated that it was a creative solution to his problem, and read in his submittal that he considered other options as well. Mr. Samblanet stated that he did, and a number of things wouldn't work. Mr. Hasman stated that he noticed in his application that he had spoken with his neighbors and wanted to know what their reaction was. Mr. Samblanet stated that the neighbor north of him, that they are moving closer to, is supportive of it. They just installed a pool back by their current drive, and their cars park by their pool, so they wouldn't mind that not happening.

Mr. McCrodden asked what changes he would need to make with his driveway. Mr. Samblanet submitted pictures, but essentially the driveway would be widened enough to go in the front of the house, so it would be that width. Mr. McCrodden clarified that it would be as wide as the 3 garage doors, plus additional width. Mr. Samblanet stated that the driveway will definitely be the width of the three garage doors, and on the right they would maintain the current driveway which would be a sidewalk, so there would be a sidewalk as well. The design will start narrow and widens to go into the garages. Mr. McCrodden wanted to know the width. Mr. Samblanet stated that he didn't have that detail yet. Mr. McCrodden clarified with Mr. Synek that he would cover that in the permitting process. Mr. Synek stated that was correct.

Mr. Collin stated that he is going to have a concrete pad, once you put the new garage up behind the garage, and it would be accessible with the strip of his present driveway which runs all the way to the back, and asked if he was going to leave that all intact and do something with the concrete area, or will he be removing it. Mr. Samblanet stated that the idea, is that there would be that sidewalk there, and a door from their kitchen that goes there, and that is where they will have a nice play area for the children, that is a nice safe place, and you wouldn't have to worry about the kids running into the street. No cars would be able to get back there anymore.

Motion by Mr. McCrodden, seconded by Mr. Caruso to close Public Hearing. Mr. Rose abstained. **MOTION CARRIED**

Mr. Hasman did not open up questions to the audience, before closing the Public Hearing, so he wanted to reopen the Public Hearing.

Motion by Mayor Hruby, seconded by Mr. Caruso to reopen the Public Hearing. Mr. Rose abstained. **MOTION CARRIED**

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

Motion by Mr. McCrodden, seconded by Mayor Hruby to close Public Hearing. Mr. Rose abstained. **MOTION CARRIED**

### **APPEAL 2022-27**

Brian Noll for a variance from Section 1117.04(i) which requires driveways to be located a minimum 60' from intersection to allow 0 ft. located at 11766 Snowville Road, PP# 605-25-010.

Mr. and Mrs. Noll spoke to the Board regarding their appeal. Mr. Noll asked Mr. Synek to show the pictures that he sent over. Mr. Noll stated that the nature of the hardship is that they have a slope of their driveway that is going to meet the slope of Snowville Road. They have 2 ½ year old twins that are getting more and more confident everyday on wheeled vehicles, and they are trying to mitigate their safety. They love the community and prefer to stay. Mr. Noll explained to the Board on the overhead screen, the pictures of the slope. They thought long and hard how to reroute the driveway, given the topography, and thru some guidance and consulting with surveyors, they mapped out the drive that you see does affectively take advantage of the topography, while not having an impact on the neighbor that is directly to their east, Larry and Joan Wanicki, that is the driveway that they would be approaching close to. They have sat down with them on a couple of occasions and most recently this morning they talked and they reviewed the plans and they were supportive, unfortunately they couldn't be here this evening. Mr. Noll stated that he would be happy to get a letter for the record if needed. This is a plan for their children to be safe. Mr. Noll showed additional pictures to the Board. Mrs. Noll stated that the new plans at the top near the driveway would create a large space that would be level, where the kids could play and ride bikes, and it goes up their property, which goes on a slope down towards Snowville, but also with the slope of Snowville, so the new driveway would essentially be flat for quite some time using the uphill grade, and then come back down to Snowville allowing them a flat space for the kids to play.

Mr. Rose clarified with Mr. Synek that the slope is not anything extraordinary. Mr. Synek stated that he would venture to say that it is not out of code compliance, but it is a steep slope. Mr. Rose stated that he wanted the record to reflect that they received a letter from the City Engineer, who based on his opinion is not supportive of it, because of putting it close together and close to Deer Run, and traffic issues.

Mayor Hruby asked if they had met with the City Engineer. Mr. Noll stated that he did. Mayor Hruby asked if he gave them any suggestions on how he might modify it to make it safer other than the variance. Mr. Noll state that they did not give him any specific recommendations. Mr. Noll stated that he doesn't know what else they could do. Mrs. Noll stated that because Deer Run is across the street from them, her neighbor's driveway is actually directly at Deer Run. It comes to the center of it currently. Their proposed plan is offset from the entrance to Deer Run, but not in the current boundaries of what is allowed. There is also an existing drive that is at 0 ft. to Deer Run. Mr. Rose stated that it is probably in compliance, and asked Mr. Synek. Mr. Synek stated that it is an existing non-conforming. Mr. Rose stated that he is appreciative of it, and understands the dilemma, and is an interesting solution, not saying that there is nothing to be concerned about, but children do age, and the driveway will be there forever, and you hate to see someone else come there and there be an accident because all the driveways are close, and felt it was an issue.

Mr. Collin stated that he didn't visit the property, but did drive by it and understood the lay of the land, but with respect to their children and safety, is there nothing they can do with their backyard that would alleviate some of their concerns in terms of a play area. Mr. Noll stated that they do have play pens back there and a lot of stuff for them to play with. They enjoy the front yard because its different. They are in the back quite a bit. Mr. Noll stated that it is all grass in the back yard so anything that moves they want to be upfront to take advantage of the concrete surface.

Mr. Rose stated that one of the things the engineer suggested was a traffic study, and asked if they had any objection to that happening. Mr. Noll stated that if it was needed, he was fine with it. Mr. Rose wasn't sure of the cost, but then they would know. Hopefully the traffic study won't have a safety impact. Also, it may let them have their neighbor who would be impacted to put something in writing, that would help. Mr. Rose suggested they table the appeal, and work with the City Engineer for a solution, and bring it up again at the next meeting. Mr. Rose asked if that would be satisfactory with the appellants, and Mr. and Mrs. Noll stated that it would be.

Mr. McCrodden stated that their existing driveway looks like it may have two different slopes, the initial slope that's more gentle, and the slope that is meeting up with Snowville Road. Mr. McCrodden stated that the location of the new driveway would have an equivalent, steeper slope, at the base of the driveway heading into Snowville Road, and it seemed to him, that it would be another danger that their children are going to face, whichever route they choose. He asked if they had considered just putting in a pad for them to play on, in front of their house, rather than go thru the change in the driveway, which would still have a dramatic slope to match up with Snowville Road. Mrs. Noll stated that she understood completely what Mr. McCrodden was saying, she said mostly, it is about coming directly out of the garage. Mrs. Noll explained that as soon as you come out of the garage, there is a slope down, so any bike, or ball, is immediately taking off. It does level out and slopes again, but not enough to stop or slow any momentum, and it is immediately outside of their garage. Their goal is to be able to play games, and be out front without the risk of things going right down to Snowville Road. Mr. Noll stated that they have thought about the pad, but it is really a Plan B for them. He stated that the safety of their kids, it's a decision factor to continue to live there, and a mitigating factor that they need to get control of it, to be at this house long term, that is why they are doing this. He stated they would probably pursue a move if they could not make this happen. Mr. McCrodden asked if he considered having an agreement with his neighbor for a right of way to use his driveway, and mentioned there are some shared driveways in town. Mr. McCrodden went on to explain, that they could abandoned their existing driveway, and not have to build a new one, and just build enough of a stretch of drive to get over to their neighbor's driveway, and come out onto something that is already pre-existing. Mr. McCrodden stated that they would need a right of way agreement. Mr. Noll commented that they didn't think of that, but they could bring it up to their neighbor. Mr. Rose stated that it would be a much cheaper option as well. Mrs. Noll stated that, the driveway would be a continuing issue for any family looking at this home. Mr. and Mrs. Noll stated that they will get in touch with the engineer regarding this.

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

**MOTION CARRIED**

### **APPEAL 2022-28**

Mark & Cherie Ignatowski for (1) a variance from Section 1151.25(d)(2)(C) from the maximum 240 sq. ft. to allow 336 sq. ft., and (2) a variance from Section 1151.23(4)(b) to allow a shed in the front yard, on a corner lot, (not permitted) located at 7975 Seth Payne Street, PP# 601-05-013.

Mark Ignatowski spoke to the Board regarding his appeal. He explained that the size of the shed is 12x28, and is also renting storage at Brecksville Storage, and storing things at both his son's home



and his brother's home in Valley View. Mr. Ignatowski went on to explain that he just doesn't have any room for anything in the two car garage that he has. He stated that he is on a corner lot, and the lay of his property slopes down pretty low, and is a pie shape. It is 90 ft. on one side and back to 300 ft. on the low side, and that is why he thought the side yard would be the best location for the shed.

Mr. Rose clarified with Mr. Ignatowski, that terrain is preventing him from locating the shed in the rear of the home. Mr. Ignatowski stated that was correct, and that it gets really wet in the back, between him and his neighbor's house. When it rains, it puddles water back there.

Mayor Hruby asked Mr. Ignatowski, that when he placed the shed in that location, did he consult with the Building Department. Mr. Ignatowski stated that he did not, he didn't even think to call, it was the first time he had ever done anything like this.

Mr. Rose explained to Mr. Ignatowski, that it puts the Board in a tough situation, doing something first, and then coming to the Board. Mr. Ignatowski understood, and talked with the company that he bought the shed from, and if he has to move it, they will move it for him. Mr. Rose stated that to a certain extent, they should have made sure it was code compliant, and not put him in the position he is in now. Mr. Rose wanted the record to reflect that they received a copy of the deed restriction document, and wanted him to know that the City does not enforce them.

Mayor Hruby wanted to know if he received a copy of the deed restrictions. Mr. Ignatowski stated that he did not. Mayor Hruby provided a copy to him.

Mr. Collin stated that he drives by his home, going to and from his home, and had the sense that he is using the shed for his landscape business, and asked if that was the case. Mr. Ignatowski stated that he works out of his brother's house in Valley View, and that is where he keeps his large trailer, etc. The shed would just be for personal items. He doesn't work out of his house anymore, he drives to Valley View.

Mr. McCrodden stated that with the deed restriction just being available to the appellant tonight, he wondered if he wished to consider the deed restrictions, and reflect on that, and then if the Board table the appeal, he could come back next month if he chose to. Mr. Rose asked if he understood, the Board could table the appeal, and he could consider whether that restriction is stopping him from having the shed there anyway, and he could adjust his appeal, present other information or just withdraw it. Mr. Ignatowski stated that would be okay.

Mr. Rose opened up questions to the audience. Hope Barkoukis, 10303 Fitzwater Road, she is Mark's next door neighbor on Fitzwater. She stated that it is a difficult situation because the shed is already there, but if the variance is granted, she asked that the Board do something about the cinderblock. She felt that was the most egregious part. She understood it was a challenge with a corner lot, and sympathized with him, but without a foundation and just having cinderblock, it really makes it look terrible. She also asked if the variance was granted, that he use something aesthetically to cover it, there was shrubbery that was installed in the front, but it really doesn't cover it. Mr. Ignatowski stated that he didn't finish the landscaping because he

didn't want to spend the money finishing it off if he had to remove it, but he was going to finish it.

Roxanne Smith, 10306 Fitzwater Road. She stated that her concerns are like Hope's concerns, it is the appearance of the shed. Not only is it on cinderblocks, but the whole pad that it was built on has pieces of lumber that have rebar stakes holding it up. It wasn't finished on the corners. It could have been nicely done, but it is an eyesore. She didn't like the fact that it was bright blue, and it doesn't fit in with the neighborhood or with the home being brick. It could have been a different color to blend more in with the home. She also wondered if it could be tucked more in the back of the property, and not just right on Fitzwater Road.

Mr. Rose stated that if he had gone to the Building Department and submitted plans, these issues that his neighbors are raising probably would have been addressed.

Greg Pavlik, 7958 Seth Payne Street spoke to the Board. He stated that when he moved in, he had to take his plans to all the neighbors, and make sure it fit in with the neighborhood. They also had to make sure the garage doors didn't face the street. Mr. Pavlik stated that the location of the shed seemed out of place. If he is using it for storage, he doesn't have a problem with it being in back of the house. It is really out of place where it is located now, compared to all the other homes on the street.

Kathy Golum, 10296 Fitzwater Road spoke to the Board. She stated that she looks right at the shed, and they think its fine. He did put some bushes up there, and you can tell that everything they are talking about totally looks temporary, like he was waiting. She spoke with him before, and he is going to something more permanent when he found out the results of the variance. She felt that when the bushes that he planted grow, it will be fine.

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

**MOTION CARRIED**

**MINUTES OF REGULAR MEETING  
BRECKSVILLE BOARD OF ZONING APPEALS  
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL  
JUNE 13, 2022**

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

Absent: None

Others: Building Inspector Synek, 19 guests

**APPROVAL OF THE REGULAR MEETING MINUTES OF MAY 9, 2022**

Motion by Mr. Caruso, seconded by Mr. Collin, to approve the Regular Meeting minutes of May 9, 2022 as recorded.

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

**MOTION CARRIED**

**APPEAL 2022-22**

Motion by Mr. McCrodden, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1151.25(d)(2)(C) from the maximum 240 sq. ft. to allow 320 sq. ft., and (2) a variance from Section 1151.26(2), minimum side yard setback of 10 ft. to allow 5 ft., for the construction of a shed located at 10340 Whitewood Road, PP# 601-23-014.

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

**MOTION CARRIED**

**APPEAL 2022-23**

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 1151.25(d)(1) maximum 660 sq. ft. to allow 900 sq. ft., and (2) a variance from Section 1183.15(a) not to install a hard surface driveway for the construction of a detached garage located at 8506 Brecksville Road, PP# 601-18-017.

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

**MOTION CARRIED**

**APPEAL 2022-24**

Motion by Mr. Collin, seconded by Mr. Caruso, that the Board of Zoning Appeals

recommend to City Council approval for a variance from Section 1151.24 minimum 10 ft. side yard setback required to allow 5 ft. for a garage addition on a non-conforming house located at 8643 Brecksville Road, PP# 601-24-010.

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

**MOTION CARRIED**

**APPEAL 2022-25**

Motion by Mayor Hruba, seconded by Mr. McCrodden, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1157.29(d)(1) a minimum 75 ft. rear setback required, to allow a varying & minimum setback of 50 ft. as shown on the drawing dated 5-17-22 along the new east property line for the construction of the new Miller Road ramps, located at PP# 604-16-012, 604-16-013, 604-16-005, 604-16-009.

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

**MOTION CARRIED**

**APPEAL 2022-26**

**Mr. Rose recused himself from himself from Appeal 2022-26, and asked Mr. Hasman to call the vote.**

Motion by Mr. Collin, seconded by Mayor Hruba, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 from the minimum required 10 ft. side yard setback to allow 9 ft., and a minimum 30 ft. total side yards to allow 24 ft. for an addition on an existing attached garage located at 4555 Hunting Valley Lane, PP# 601-13-042.

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

**MOTION CARRIED**

**APPEAL 2022-27**

**Mr. Rose asked the appellant if he still wanted to table the appeal, and they did.**

Motion by Mr. McCrodden, seconded by Mr. Caruso, that the Board of Zoning Appeals table the approval for a variance from Section 1117.04(i) which requires driveways to be located a minimum 60' from intersection to allow 0 ft. located at 11766 Snowville Road, PP# 605-25-010.

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

### **APPEAL 2022-28**

**Mr. Rose asked the appellant if he still wanted to table the appeal, and they did.**

Motion by Mr. Caruso, seconded by Mr. Collin, that the Board of Zoning Appeals table the approval for (1) a variance from Section 1151.25(d)(2)(C) from the maximum 240 sq. ft. to allow 336 sq. ft., and (2) a variance from Section 1151.23(4)(b) to allow a shed in the front yard, on a corner lot, (not permitted) located at 7975 Seth Payne Street, PP# 601-05-013.

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

### **REPORT OF COUNCILMEMBER CARUSO**

Mr. Caruso stated that he wanted to bring the Board up to speed on a new position that was recommend for Council's approval, that they have filled. He went on to state that the City had a part-time economic development person, Frank LaRose, now Secretary of State, for the State of Ohio, that hadn't been filled in four years, as well as a City Planner. Mr. Caruso explained that it had been difficult to find people for a part-time position, and the administration made the recommendation that they create a position that would be a directorship, and that person would report to the Mayor. The job will consist of three main jobs, first being Planning and Zoning, which will provide a lot of assistance to the Building Department, second, would be working with the Mayor hand in hand on Economic Development matters, and the third component, which this candidate was extremely qualified, and better than any of the other candidates, was grant writing, and finding new avenues for revenue. Mr. Caruso introduced Monica Bartkiewicz as the new addition to The City of Brecksville. Mr. Caruso went on to state that during Monica's former position with the City of Fairview, she helped them receive over 16 million dollars in 6 years. Mr. Caruso stated that we will be losing her on the Board for The Planning Commission, but she will be a tremendous asset to the City for many, many years, and he congratulated her on her position.

### **REPORT OF MAYOR HRUBY**

The Mayor reported that our police dog, Peto, has retired after 10 years, Council recognized Sgt. Bauman and Peto for a job well done. He will be retired to the Bauman family for the rest of his days. The Mayor stated that we have a new police dog coming, his name is Boss, and Officer Mueller, a graduate of Brecksville Broadview Heights schools, and a resident, will be the new canine handler. Boss will be coming to the City sometime early in the fall. The Mayor also reported that The Planning Commission has referred to City Council the re-zoning of the Highland Drive School property from its current zoning, Community Facilities, to R-20

Residential. That also spearheaded the fact that they are going out to announce for proposals for the sale of both Highland and Chippewa Schools, and once they are vacated, they will be sold, with the City acting as the catalyst for the school. The Planning Commission is working on 59.4 acres of land that Chris Bender is proposing for the last and final phase of the Woodlands Subdivision, and that will also be on the docket soon for City Council's consideration. Flag Day is tomorrow, and the Mayor asked everyone to please display their flags. Lastly, The Brecksville Bulletin should arrive tomorrow. The Mayor stated that he always gets calls from residents asking for something that lets them know what is going on in town. He stated that The Brecksville Bulletin holds a wealth of information of things that are going on around town, and everyone should check it out.

Motion by Mr. Hasman, seconded by Mr. Collin to close the Regular Meeting at 8:52 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