

**MINUTES OF PUBLIC HEARINGS  
BRECKSVILLE BOARD OF ZONING APPEALS  
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL  
JANUARY 9, 2023**

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

Absent: Rose

Others: Building Inspector Synek, 7 guests

**ORGANIZATIONAL MEETING**

Councilmember Caruso opened the Organizational Meeting at 7:30 p.m.

Councilmember Caruso opened up nominations for the position of **Chairperson, Board of Zoning Appeals**. Mayor Hruby nominated Dennis Rose, seconded by Mr. McCrodden.

Nomination was closed by Mayor Hruby, seconded by Mr. Caruso.

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

Nays: None

**MOTION CARRIED**

Mayor Hruby moved, Mr. McCrodden seconded, that **Dennis Rose** be elected **Chairperson, Board of Zoning Appeals**.

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

Nays: None

**MOTION CARRIED**

Mr. Caruso opened up nominations for the position of **Vice Chairperson, Board of Zoning Appeals**. Mr. Collin nominated Mr. Hasman, seconded by Mayor Hruby.

Nomination was closed by Mayor Hruby, seconded by Mr. McCrodden

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

Nays: None

**MOTION CARRIED**

Mayor Hruby moved, Mr. Mr. McCrodden seconded, that **Robert Hasman** be elected **Vice Chairperson, Board of Zoning Appeals**.

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

Mr. Caruso opened up nominations for the position of **Secretary, Board of Zoning Appeals**. Mayor Hruby nominated **Bruce McCrodden**, seconded by Mr. Collin.

Nomination was closed by Mayor Hruby, seconded by Ms. Gagliano

ROLL CALL: Ayes: Gagliano, Hasman, Hruby, Collin, Caruso  
Nays: None  
Abstain: McCrodden  
**MOTION CARRIED**

Mr. Hasman moved, Mr. Collin seconded, that **Bruce McCrodden** be elected **Secretary, Board of Zoning Appeals**.

ROLL CALL: Ayes: Gagliano, Hasman, Hruby, Collin, Caruso  
Nays: None  
Abstain: McCrodden  
**MOTION CARRIED**

### **PUBLIC HEARINGS**

Mr. Hasman started the meeting with an explanation of the code, the job of the Board of Zoning Appeals Committee, and the process of appeal.

### **APPEAL 2023-01**

Lee Tseng 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 6401 Miller Road, PP# 604-06-012.

Lee Tseng spoke to the Board regarding his appeal. He explained to the Board that he has been going thru a process of building this house for approximately four years. He received an occupancy permit a few weeks ago, and is asking for a variance not install a public sidewalk. He went on to state that he didn't know it was required until he received a notice.

Mr. Hasman stated that this type of appeal is pretty routine, but is something that is necessary, because it varies from what code allows.

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

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

## **APPEAL 2023-02**

Evergreen Woodcraft for Mark & Christy Sponseller for (1) a variance from Section 1151.26(2) to place a shed in front of the building line, as shown on the drawing dated 12-16-22, and (2) a variance from Section 1151.39(a)(5) from the maximum 6 ft. projection, to allow 8 ft., for a covered entry on a corner lot located at 6610 Morningside Drive, PP# 603-21-077.

Christy Sponseller and Steve Keiper from Evergreen Woodcraft spoke to the Board regarding their appeal. Mr. Keiper stated that the Sponseller's had moved into the home three years ago, and have added quite a bit of landscaping, and now they would like to do some other projects, i.e. a deck, new siding, garage doors, and now a front porch and side porch with a roof. He went on to explain that the deck will come out 8 ft. from the side of the home, which is allowed by code, and they want to install a roof over the deck so they have a sitting area on the side of the house, but that the roof they want to install does not comply. Mr. Keiper stated that what makes the difference, in this case, is the house is on a corner lot, so it essentially has two front yards. The second variance was for the location of a shed. The approved location is in the back corner behind the house up on a hill. There is a landscaped area down closer to the sidewalk, closer to the driveway, which would be an ideal location for the shed. The shed will match the house, and have a garage door, along with windows and trim, and will be very nice. There are landscape beds there currently and they plan to add more.

Mr. Hasman clarified, that their hardship for the shed, is that it is the only level location where they can put it. Mr. Keiper stated that the shed location is not level. The level part of the yard will be for the kids for playing and sports. They can build a shed on any terrain, they will just regrade. Mr. Hasman asked how close the shed will be to the property line. Mr. Keiper stated that it will be approximately 30 ft. Mr. Hasman stated that from his observation, the shed is in a location where everyone can see it as they go down the street. He wondered if the playset, which will not be a permanent structure at some point, could be moved where they are planning on installing the shed, and install the shed behind the house, where it is tucked away, knowing that at some point when the children grow up, you would dismantle the playset. Mr. Hasman asked if any of that was considered. Ms. Sponseller stated that her kids still use the playset, and the back yard for soccer. She stated that ten years from now, they may be looking at downsizing, or they may stay there, she didn't know. The shed will be used for the kids' bicycles and all the other toys that they play with, and that is why they wanted it to be closer to the driveway. Ms. Sponseller stated that in terms of a different location, she would consider more south of the area where everyone was looking at, where the riverbed is. Mr. Hasman stated that they received the letters from neighbors that agreed with the location of the shed, and noticed that the neighbor to the west had not signed the form, and asked her if she had talked with them. Ms. Sponseller stated that they are in the audience, there has been a lot of back and forth with them, and she has answered every question that they have asked her.

Mr. Caruso clarified that the only variance on the shed is the location, not the size. Ms. Sponseller stated that was correct. Mr. Caruso asked if there will be any landscaping around the structure. Ms. Sponseller stated that her landscaper said they would plant arborvitae mixed with tall grasses around the shed, so it will screen it. Mr. Caruso clarified that it will be screened all around the shed, from both sides of the street. Ms. Sponseller stated that was correct. Mr. Caruso asked how tall the shed was. Mr. Keiper stated that it will be 10 ft. tall to the peak. He stated he measured to

the top of the existing bushes that are there, and they are the same height as the shed. He stated that their main idea is to have the shed in the proposed location, but they are open to dress it up with a door or window, to make sure it looks presentable.

Mr. McCrodden stated that he had a similar situation in his neighborhood, and they built a shed without proper permits from the City, and when it came time to come in front of the Board, they were not able to get a variance, and had to move the shed on the opposite side. He felt that set a pretty strong precedence.

Mr. Collin asked where the garage will be, if it was on the east side of the structure. Mr. Keiper stated yes, that was the design, closest to the driveway. Mr. Collin went on to state that he assumed they were going to install some sort of a walkway or sidewalk from the driveway or house to the shed, so that bikes can be moved instead of running across the grass. Ms. Sponseller stated that they haven't gotten that far yet, but told her husband that is something she would like to do. She doesn't want to be tracking back and forth so they will probably do either gravel or concrete. Mr. Collin's concern is the shed is pretty close to the street, and in relation to the other structures, it looks like it will be significantly out of line, and asked if she would consider moving it back farther, closer to the house. Ms. Sponseller stated that the deck is going to come out 8 ft. and she doesn't really want to put it too close and doesn't know how that would look on the property bringing it closer. Mr. Keiper stated that they were trying to bring it into the corner, and maintain as much yard as possible. He asked what the code was from structure to structure. Mr. Synek stated there is no regulation for house and shed separation. Mr. Keiper stated that he could go higher on the hill closer to the flat area. Ms. Sponseller stated that she would be fine moving it a little south. She is trying to make a nicer entrance to her home, so she wouldn't want the shed in front of her view. Mr. Collin stated that in looking at the plan that was submitted, it looks like there is 20 ft. to work with on the west side, and asked if he considered moving it closer to her neighbor's property line. Ms. Sponseller stated that the only problem is that it dips down, and there is an easement there, and when it rains, that is where the water goes. She doesn't mind going 30 ft. from the property line going south.

Mr. McCrodden suggested that when it comes time for the vote on this, that they separate the two variances, in case the Board wants to vote differently on each. Mr. Hasman agreed.

Mr. Hasman opened up questions to the audience.

Todd and Jan Romance spoke to the Board. Mr. Romance stated they were the neighbors to the west. He stated they have been in communication with the Sponseller's and had a few questions. He felt that they have an alternative solution that works well for both sides, and addresses some of the concerns that the Board has. Mr. Romance went on to ask Ms. Sponseller and Mr. Keiper about what side the windows were on, if windows or man doors are required, screening the shed, and what their preference would be. He also asked about grading and landscape beds. Ms. Sponseller and Mr. Keiper answered their questions. Mr. Romance was fine with everything they were doing with the exception of the shed location. He wanted to know a start date on their project, and what their timeline was for the various projects. Ms. Sponseller stated that they were waiting on materials for the deck and siding. Mr. Keiper explained that they were waiting on approval tonight so that they build the deck to the right size of the proposed roof. The deck

will proceed first, then the siding on the house, then the porches and the shed last. He assumed everything will be done by March. Ms. Romance stated that one of the questions she had was if the shed could be closer to the driveway, and she heard Ms. Sponseller state that she would not want it located closer. Mr. Synek stated that it is what is in front of the Board tonight, it is not allowed in front of the building line, so anything in front of the line is not allowed, so it is up to this Board to determine what an acceptable location is.

Mr. Hasman stated that one thing the Board does not want to do tonight, is to redesign this on the fly. The Board has the issues that were presented to them, and have discussed it thoroughly, and the Board needs to vote on that.

Mr. Synek stated that he misspoke about the access to the shed. You are required to have a man door for a garage, but a shed by code there is no requirement on whether it is a garage door, or a man door.

Mr. Romance stated he had a statement that he would like to present, and felt they were most visually impacted by it. He went on to read his statement, which described his and the Sponseller's locations. He went on to explain that he had no objection on the roof over the deck, and their primary reason for attendance, is to speak on the shed. He stated that it is visually unattractive compared to the green scape they saw now. They understood their neighbor had a right to put up a shed, and to ask for a variance, but in this instance, compared to their shed location and others, this situation is unique in its location. Most of the neighbors driving in and out of the development will be passing this shed every single day, several times. Mr. Romance stated that it does not mean they are objecting to the variance, because a proposal is on the table to resolve that issue. The potential solution that they proposed in an email to the Sponseller's, in which they indicated was important to them, appeared to be favorably received by them, and is just providing a natural wall of arborvitae, or something else that will essentially block off that entire footprint, and make it look nice, and the only thing they would see is a garage door facing east, which they are okay with. They thanked the Sponseller's on talking with them and seeking a solution. As a result, Mr. Romance stated that they would respectfully request that the Board consider, as a condition of granting the variance on the shed, that a side landscaping agreement become part of the variance, and also a one page maintenance agreement. He stated that the reason for that is because the Sponseller's are the fourth person to move into the home, and each person that lived there had their own idea of landscaping and maintenance. This would bind future owners to maintain the landscaping around the shed, which would in the best interest of them and the Country Woods development as well.

Mr. McCrodden stated that he had wording that would amend the variance given the last remarks from the Romance's. He stated that it didn't mean he agreed with the proposed variance, but will amend it to reflect their point. Mr. Synek asked that the wording be amended further, to meeting the City Arborist, instead of the Building Department, since they are the expert on appropriate plantings.

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

**MINUTES OF REGULAR MEETING  
BRECKSVILLE BOARD OF ZONING APPEALS  
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL  
JANUARY 9, 2023**

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

Absent: Rose

Others: Building Inspector Synek, 7 guests

**APPROVAL OF THE REGULAR MEETING MINUTES OF DECEMBER 12, 2022**

Motion by Mr. Collin, seconded by Mr. McCrodden, to approve the Regular Meeting minutes of December 12, 2022, as recorded.

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

**MOTION CARRIED**

**APPEAL 2023-01**

Motion by Mr. Collin, 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 6401 Miller Road, PP# 604-06-012.

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

**MOTION CARRIED**

**APPEAL 2023-02- AMENDED**

**The Board voted on the two variances separately.**

Motion by Mr. McCrodden, seconded by Mayor Hruby, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1151.26(2) to place a shed in front of the building line, as shown on the drawing dated 12-16-22, **with landscaping around the shed that meets the approval of the City Arborist** lot located at 6610 Morningside Drive, PP# 603-21-077.

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

**MOTION DENIED**

Motion by Mr. McCrodden, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for (2) a variance from Section 1151.39(a)(5) from the maximum 6 ft. projection, to allow 8 ft., for a covered entry on a corner lot located at 6610 Morningside Drive, PP# 603-21-077.

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

**MOTION CARRIED**

**REPORT OF COUNCILMEMBER CARUSO**

No Report.

**REPORT OF MAYOR HRUBY**

No Report. The Mayor wished everyone a Happy New Year.

Motion by Mr. Collin, seconded by Ms. Gagliano to close the Regular Meeting at 8:13 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