

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
September 11, 2023**

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

Absent: Hruby

Others: Building Inspector Synek, 30 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 2023-26 – Tabled from July meeting

A motion was made to remove appeal 2023-26 from the table by Mr. Caruso, seconded by Mr. McCrodden.

The first public hearing is a hearing continued from July, Don Geitz for Borbala and Attila Banto for a variance from section 1151.25(d) (2) (b) a maximum 192 sq. ft. to allow 280 sq. ft. and a variance from 1151.26 (1) minimum 10 ft. side yard setback to allow five feet for the construction of a shed.

Mr. Rose asked Mr. Synek if there was a height issue with the building and Mr. Synek stated no that is an architectural feature. Borbala and Attila Banto came up to speak and Mr. Rose asked them why they did not apply for a permit before the building was put up, they contacted a builder who scheduled the construction for November, they applied for the variance with a hearing date in July but the builder called and said they had a cancellation and they thought the July hearing would allow them to have the variance and get the permit so they told the builder to come and bring the building.

Mr. Collin asked if it was a pre-fab building and the Bantos said yes, he then asked what the hardship was and Mr. Banto stated there wasn't one.

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

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

APPEAL 2023-35

Jeffrey Mathys for (1) a variance from Section 1185.03(a) maximum fence height of 4 ft., to allow 8 ft. and (2) a variance from Section 1185.02(d) to install a solid wood board fence instead of the permitted types of fence located at 11535 Cherokee Lane, PP#602-11-032.

Jeff Mathys stated they have lived in their home for 15 years, they have made a lot of improvements to the backyard and they would like an 8 ft. fence to keep the wildlife out as well as protecting their investment, the fence would only go across the north perimeter of the property. The neighbors to the west have a fence because of a pool and on the east there is a green screen of maiden grass, Mr. Caruso asked if the green screen prevents the deer from coming onto the property and Mr. Mathys said no. Mr. Caruso stated it would seem very aesthetically pleasing the way the landscape is and potentially doing the same across the back of the property might serve a similar purpose, Mr. Mathys stated he's sure they will put maiden grass across the back but that won't prevent the deer from passing through, only a fence will. Mr. Mathys said CEI clear cuts the backyard trees and bushes and you lose quite a bit of privacy. Mr. Rose stated for the record, a letter was received from the residents on Iroquois Trail and they basically object to a fence of any kind because it will block the sort of park like view that people have in Brecksville. Mr. Mathys stated he talked to the neighbor behind him and told him it was for privacy, and Mr. Rose stated you came to the meeting wanting a deer fence, Mr. Mathys said it is a deer fence to keep the wildlife out of the backyard. Mr. Hasman asked if the fence would go around three sides of the property and Mr. Mathys said no, just across the back perimeter, Mr. Hasman pointed out that Mr. Rose's point, that the fence is there for an obstruction and Mr. Mathys said that is the point he is making, it is an obstruction for the wildlife.

Mr. Rose opened up questions to the audience. Shannon Geiger who resides at 11526 Iroquois Trail, directly behind Mr. Mathys said she spoke to the neighbors, the three homes affected by his eight foot wooden fence, she talked about the neighbors that showed up and also the signed letter and a variance from March that was put in by another neighbor for a six foot fence that was denied. Mrs. Geiger said Mr. Mathys never spoke to them or the other neighbors about the fence and they would never tell him an 8 ft. fence, which basically looks like a wooden box from their side would be approved. Ron Leslie who resides at 11514 Iroquois Trail spoke next, he and his wife have been residents for 40 years, they moved to Brecksville because of the city and how it is managed and directed by the Mayor and Council, they also enjoy the wildlife and has issues with deer and suggests that Mr. Mathys should put trees or shrubs in if he wants privacy and he also strongly objects to the 8 ft. fence. Mr. Mathys spoke again, he said the only way to make change is if you have a vision of something different than everyone else has, Mr. Rose asked him if he considered putting up arborvitaes or trees and he stated yes he has discussed that with his wife and that is not what they prefer.

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

APPEAL 2023-36

Frank Rini for (1) a variance from Section 1185.03(a) maximum fence height of 4 ft., to allow 8 ft. and (2) a variance from Section 1185.02(d) to allow a solid vinyl fence instead of the permitted types for a replacement fence located at 7636 Amber Lane, PP# 601-24-023.

Mr. Rini stated he wants to replace the existing fence because it is in need of repair and the properties behind him are on a higher elevation and also replace it with something that is less maintenance. Mr. Rose said if the hardship is a terrain hardship due to the nature of how the properties behind him sit higher and a 4 ft. fence wouldn't do it obviously, he then asked Mr. Synek because once you're replacing a fence you have to come back before the board, and Mr. Synek said yes. Mr. Rini stated the fence has been existing for 20 years, Mr. Hasman questioned

the two ft. extension above the 6 ft. fence and asked if that were removed what would the size of the fence be and Mr. Rini said 6 ft., Mr. Hasman stated the neighbors fence is 6 ft. and if he were to remove the top portion of the fence it would be a smooth transition to be a more of conformity of what the Brecksville regulations are. Mr. Caruso asked if he has considered putting a 6 ft. fence up so it is consistent with the neighbor's fence and planting vegetation arborvitae or something else? Mr. Rini stated the north side of the fence is not that bad but the fence side facing the neighbor gets beat up by the sun so it's more for the neighbors aesthetics, he repaints his fence every three years so the neighbor does not have to look at an eyesore. Mr. Hasman asked if the elevation of the house behind him is on a hill, Mr. Rini said yes

Mr. Rose opened up questions to the audience. Mr. Mathys who resides at 11535 Cherokee Lane asked if the current fence was a six foot fence and Mr. Rini said no, it is an 8 ft. fence and Mr. Caruso explained the fence was never approved and was put up before Mr. Rini purchased the home and it looks like somebody added the extra 2 feet without asking permission

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

APPEAL 2023-37

Robert Stiefvater for (1) a variance from Section 1185.03(a) maximum fence height of 4 ft., to allow a 6 ft. fence located at 6859 Farview Road, PP# 601-07-014.

Mr. Stiefvater stated they purchased the home in 2006, they have enjoyed the city, schools and a sense of security and safety, and they recently received notice that a neighbor across the street is a tier 3 sex offender and is concerned for the safety of his family. Mr. Rose asked if his concern was a trespasser coming over and looking in the yard, Mr. Stiefvater said yes that the concern is there. Mr. Rose asked if he had considered the fence being there would not let law enforcement driving by be able to see in the yard, Mr. Stiefvater said he did consider that and weighed the options. Mr. Hasman asked if a concern was the grandchildren wandering into the neighbor's property and Mr. Stiefvater said that is correct, that they do use the front and backyard and knows a 4 ft. fence would meet the criteria to keep the kids in the yard but would like the additional 2 ft. to get it taller than the average person. Mr. Caruso stated the backyard was heavily wooded and asked if any vegetation would be taken out, Mr. Stiefvater stated the dead trees and bushes would be cleaned up but no trees would be taken out for the fence. Mr. Collin asked if the fence is being put up in the backyard what kind of security or protection will that give him from Mr. Castro who lives across the street, is there a concern that he is going to wander into his backyard? Mr. Stiefvater could not give a definite answer but having the fence is more of the sense of security. Mr. Collin asked if he is set on putting a fence up why a 4 ft. fence wouldn't be adequate. Mr. Stiefvater stated if somebody was trespassing or just walking down the street you can see in the backyard from certain angles and the height of the fence would stop that. Mr. Rose stated the point isn't security in the sense that somebody won't be able to get in a 6ft. fence, it's more privacy so that somebody can't walk down the street or look out their window and look in the backyard and see that the grandchildren are out there. Mr. Stiefvater stated it is all of that in one, he understands people can climb a fence and his family is upset over the situation and a fence would make them feel more secure.

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

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

APPEAL 2023-38

Craig Massello for (1) a variance from Section 1151.23(a) maximum front yard setback of 135' to allow 177' for the construction of a sunroom addition on a non-conforming house located at 9261 Highland Drive, PP# 603-07-017.

Mr. Rose asked Mr. Synek if because this is on Highland and the code changed on the setback is this the reason for him needing a variance and Mr. Synek answered correct it doesn't fit the current setback because it is a non-conforming house and Mr. Rose stated because he is on Highland and anything he wants to do to his house needs a variance. Mr. Massello stated they live on the east side of Highland and the house faces the west into the weather, the front porch has deteriorated over the years and the home was built in the 1940s. They are looking to remodel the front porch and extend the roof line to cover and shelter it and to put a 12 X 11 sq. ft. sunroom and basement area in connection with that and that is where the hardship comes in because that's about 170 ft. from the roadway outside the 135 ft. limit.

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 2023-39

Harold Wright for (1) a variance from Section 1151.25 (d) (2) (B) maximum 192 sq. ft. to allow 484 sq. ft. for the construction of a shed located at 3911 Oakes Road, PP# 603-02-011.

Mr. Wright stated he is requesting a variance as stated in the notice, a variance to go from 192 sq. ft. building to a 484 sq. ft. storage shed to replace the one that is on the property now. Mr. Caruso asked if the shed that is on the property now is going to be replaced and Mr. Wright stated yes, Mr. Hasman asked if it is going in the same location and Mr. Wright said yes. Mr. Rose asked if it was going to be a purely storage shed, you're not running utilities of anything. Mr. Wright stated probably electricity for a light on the front. Mr. Rose asked if the hardship is him having a 2 car garage and him having other stuff, Mr. Wright stated he has other stuff and would also like to get his car out of the elements. Mr. Hasman asked what other stuff he has and Mr. Wright said lawn mowers, garden equipment, patio furniture and stuff like that. Mr. Hasman stated it seems like a pretty big increase in size and a standard size shed is 200 sq. ft. and would accommodate the items he mentioned and asked what is the hardship that makes him want to increase the size significantly? Mr. Wright said he needs to store all the other stuff that is in the other half of his attached garage, he has a pipe organ in his home and it's a lot of equipment that he needs to have for that. Mr. Collin asked if he was planning on extending or adapting the driveway so that he has a pathway from the street to the shed. Mr. Wright said no and Mr. Collin asked how he will be getting things to the shed, just across the grass and Mr. Wright said yes. Mr. Collin also asked if it was a prefabricated structure and Mr. Wright said no.

Mr. Rose opened up questions to the audience. Mr. Kinney who lives at 3825 Oakes Road spoke, he has lived there since 1949 and is the only adjacent neighbor on the east and west side of Mr. Wright, he stated he has absolutely no problem whatsoever and supports his request especially given the various sizes of garages built on the street. Mr. Schneider who lives at 3719

Oakes Road spoke, he is concerned that it being a big project and being over two and a half times the normal size and will set a precedence for others.

Mr. Rose asked if Mr. Wright was going to build it or design it himself, Mr. Wright stated a builder will but he does not have one yet. Mr. Rose asked if he considered having a smaller shed, something closer to the 192 sq. ft. and Mr. Wright stated that would not be possible. Mr. Rose asked Mr. Synek if he could have multiple sheds and Mr. Synek said correct. Mr. Rose said so there is nothing to prevent two sheds or a garage and a garage would have to have a driveway, Mr. Synek said correct. Mr. Rose asked if anyone else in the audience would like to speak and Christopher Hall who is a friend of Mr. Wright spoke, he is a professional theater organist and published historian on the American Theater Pipe Organ, he said Harold Wright has an early 1920's Wurlitzer pipe organ in his home and has been preserving it in historical fashion, but to maintain the organ it has a large selection of heavy duty equipment and also several collections of 1920's American Theater organ pipes which are stored in the garage. The pipes need to be kept on the property to work on them and have easy access, they range in different sizes and are kept in large pipe trays which are anywhere from ten ft. long and about a foot tall and three feet wide, the pipe trays are what needs to get out of the garage and is imperative that they stay on the property. Mr. Rose asked how much space is needed for the pipes and Mr. Hall stated they need the space to remove the pipe trays, which are on a dolly, unstack them and make room so they can open up the bottom tray and they need the space to be able to roll the dolly out and unstack them. Mr. Collin asked if the shed will have humidity and humidity control and Mr. Wright said no, Mr. Hasman asked if any vegetation will be planted around the shed to keep it from appearing as large as the neighborhood expressed, Mr. Wright said yes he would.

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
September 11, 2023**

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

APPROVAL OF THE REGULAR MEETING MINUTES OF August 7, 2023

Motion by Mr. Collin, seconded by Mr. Caruso, to approve the Regular Meeting minutes of August 7, 2023, as recorded.

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

MOTION CARRIED

APPEAL 2023-26

Motion by Mr. McCrodden, seconded by Mr. Collin, that the Board of Zoning Appeals recommend to City Council approval for a variance from section 1151.25(d) (2) (b) a maximum 192 sq. ft. to allow 280 sq. ft. and a variance from 1151.26 (1) minimum 10 ft. side yard setback to allow five feet for the construction of a shed

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

APPEAL 2023-35

Motion by Mr. Caruso, 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 8 ft. and (2) a variance from Section 1185.02(d) to install a solid wood board fence instead of the permitted types of fence located at 11535 Cherokee Lane, PP#602-11-032.

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

APPEAL 2023-36

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 8 ft. and (2) a variance from Section 1185.02(d) to allow a solid vinyl fence instead of the permitted types for a replacement fence located at 7636 Amber Lane, PP# 601-24-023.

Before the votes, Mr. Rose offered the appellant the option of tabling their appeal since Ms. Gagliano abstained and Mayor Hruby was not present and only five Board Members in attendance were voting this evening. Mr. Rini stated he did not want to table it.

ROLL CALL: Ayes:
Nays: Caruso, Hasman, McCrodden, Collin, Rose
Absent: Hruby
Abstain: Gagliano
MOTION CARRIED

APPEAL 2023-37

Motion by Mr. Hasman, seconded by Mr. Caruso, 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 located at 6859 Farview Road, PP# 601-07-014.

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

APPEAL 2023-38

Motion by Mr. Collin, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1151.23(a) maximum front yard setback of 135' to allow 177' for the construction of a sunroom addition on a non-conforming house located at 9261 Highland Drive, PP# 603-07-017.

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

APPEAL 2023-39 – Amended

Motion by Mr. McCrodden, seconded by Mr. Collin, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1151.25 (d) (2) (B) maximum 192 sq. ft. to allow 484 sq. ft. for the construction of a shed, **to be boarded on three sides of arborvitae providing to the satisfaction of the city arborist**, located at 3911 Oakes Road, PP# 603-02-011.

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

REPORT OF COUNCILMEMBER CARUSO

Mr. Caruso reported the Firefighters clambake was this past Saturday and was a nice event that raised a lot of money for a good cause, the road construction continues to happen around town so we just ask everyone to please drive safely and pay attention to the construction workers, all projects are pretty much on time and we are looking for them to get completed here as the weather starts to turn.

REPORT OF MAYOR HRUBY

None

Motion by Ms. Gagliano, seconded by Mr. Caruso to close the Regular Meeting at 8: 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 Lisa Canzoni