

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
MAY 13, 2024**

Present: Collin, Gagliano, Hasman, Jayjack, Stucky, Rose

Absent: Kingston

Others: BZA Coordinator Bartkiewicz, 25 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 2024-10

Eileen Waters for a variance from Section 1185.03(a) that the maximum permitted fence height be 4 ft. to allow 5 ft., as shown on the application dated March 20, 2024, located at 9515 Greystone Parkway, PPN 603-21-067.

Mrs. Waters explained to the Board that she would like to install a five foot fence to contain her three year old Great Dane. Due to the size of the dog she is fearful a four foot fence will not be high enough.

Mr. Hasman asked the appellant if the Board was to deny her request, what she would do. Mrs. Waters explained she would have to come up with another idea. She stated that she would probably put up the four foot, however, she would also not like to invest in a four foot fence and not have it be high enough. Mr. Hasman asked if she had evidence that a five foot fence would prevent the dog from jumping over. She said she took the dog to visit her daughter who has the same type of fence that she was going to purchase except it is four and a half feet and the dog could not jump over it. Mrs. Waters said if the Board were prefer she could do a four and half foot fence. Mr. Hasman asked if the dog was considered fully mature. Mrs. Waters responded yes.

Linda Gagnon, 6811 E. Wallings Road, stated she believes the Building Department will not approve half sizes. She was told it is either four feet or five feet.

Mr. Rose asked if there were any questions. Hearing none he asked for a motion to close the public hearing.

Motion by Mr. Hasman, seconded by Ms. Gagliano to close the public hearing.

ROLL CALL: Ayes: Collin, Gagliano, Hasman, Jayjack, Stucky, Rose

Nays: None

MOTION CARRIED

APPEAL 2024-11

Robert J. Matson for a variance from Section 1151.25(d) that a detached private garage be a maximum of 660 sq. ft. to allow 720 sq. ft.; a variance from Section 1151.26(1) that a detached private garage be located in the rear yard to allow one in the side yard; and a variance from Section 1151.24 that the front yard setback be 60' to allow 52' for the detached private garage, as shown on the application dated April 12, 2024, located at 9229 Province Lane, PPN 602-10-014.

Mr. Matson spoke to the Board regarding his appeal. He said he spoke to all four of his neighbors and all four approve his plan. Mr. Rose stated the Board does have copies of the e-mails. Mr. Matson stated he lives on a cul-de-sac so this will not affect many homes. He said the reason he is asking for a variance is because his property is situated on top of a hill and there are significant elevation issues. He submitted an aerial photo that highlighted where he was planning on placing the garage. He pointed out due to the elevation in the backyard it is unbuildable. The setback request is due to wanting to line the garage up with the front of the house. The size variance is due to keeping his cars and storage inside. He will have the detached garage faced with the same brick as his home to blend in.

Mr. Stucky asked if the retaining walls were installed during the original build of the house. Mr. Matson stated no, there was a hill failure in 2008 and had to install the retaining walls at that time. Mr. Stucky asked if Mr. Matson was aware he will need to have engineering drawings because it is so close to the retaining walls. Mr. Matson confirmed he has an engineer.

Mr. Hasman asked if the trees are all going to be removed. Mr. Matson said one or two will have to be removed, but he told his neighbors he will replace any he removes.

Mr. Stucky asked what the dimensions of the home are. Mr. Matson responded 6,200 square feet, and the current attached garage is 1,078.

Mr. Rose asked if there were any questions. Hearing none he asked for a motion to close the public hearing.

Motion by Mr. Collin, seconded by Ms. Gagliano to close the public hearing.

ROLL CALL: Ayes: Collin, Gagliano, Hasman, Jayjack, Stucky, Rose

Nays: None

MOTION CARRIED

APPEAL 2024-12

K. Fagan and L. Gagnon for a variance from Section 1151.26(2) that hot tubs be located in the rear yard only to permit a hot tub in the side yard, as shown on the application dated April 12, 2024, located at 6811 E. Wallings Road, PPN 601-01-010.

Linda Gagnon spoke to the Board regarding her appeal. She said there is an existing patio on the side of the yard. They live on a two acre lot and the house is located in the middle of the lot, leaving them approximately sixty feet on either side from their neighbor's property. On the existing patio there is a water spicket and outdoor electrical outlet that can be used for the hot tub. She explained that the grading in the back yard is sloped so putting it into the backyard would be difficult. She

said she spoke to the neighbors on both sides and they said they had no problem. Mr. Rose confirmed the Board had an e-mail from the neighbor supporting the application.

Mr. Stucky asked if they have a deck off of the back of the house and asked why they could not place the hot tub there. Ms. Gagnon said the patio has a screened in area that takes up more than half of the deck area, not allowing room for the hot tub. Mr. Stucky asked if they could add onto the deck. Ms. Gagnon said they could however it would be a hardship because of the amount of money it would cost for the addition. Mr. Stucky said the point is to not have the neighbors having the ability to see them in their hot tub. Ms. Gagnon said they would not be able to see them due to the trees that line their property, and people from the street cannot see it either.

There was discussion of possibly putting in a privacy fence later on.

Mr. Rose asked if there were any questions. Hearing none he asked for a motion to close the public hearing.

Motion by Ms. Gagliano, seconded by Mr. Jayjack to close the public hearing.

ROLL CALL: Ayes: Collin, Gagliano, Hasman, Jayjack, Stucky, Rose
Nays: None

MOTION CARRIED

APPEAL 2024-13

David Sabol on behalf of Alex DeNigris for a variance from Section 1151.25(d) that a detached private garage be a maximum of 660 sq. ft. to allow 5,000 sq. ft., and a variance from Section 1181.11 that the maximum accessory building height be 15' to allow 21' 9", as shown on the application dated April 18, 2024, located at 13209 Station Road, PPN 602-31-010.

Mr. DeNigris spoke to the Board regarding his appeal. Mr. Sabol was present also. Mr. DeNigris said they currently have a 30 x 40 detached garage and 12 x 15 shed and both are in serious need of repair. He said instead of building another garage on the property he wanted to replace them with a larger garage with a storage area. He said their home was originally built in the 1940's with no basement or crawl space for storage.

Mr. Rose asked Mr. Sabol if there was a site drawing for this project. Mr. Sabol responded there is one on the drawing. Mr. Rose said there was a drawing, but they are used to site drawings including a topo, the location of the home, then where the garage will be.

Mr. Rose asked how large the house is. Mr. DeNigris responded just under 3,500 square feet. Mr. Rose said the garage is very large, and asked the appellant why he needed such a large space and if he was going to be running a business out of it. Mr. DeNigris responded no, he will not be running a business through it. He said it is for storage due to no storage in the house, lawn equipment, his truck is 25 feet long, and he also owns a snow plow for his truck and would like to keep everything in one area. Mr. Rose asked why it needed to be so tall. Mr. DeNigris responded it is a partial upper level. Mr. Sabol said there will be a wood working area below and an art area above.

Mr. Sabol said it a unique piece of property of about 2.7 acres and is tucked away so the neighbors are not close. He said the park land is one portion and it is hard to view the property. Mr. Rose asked if any neighbors had been contacted. Mr. DeNigris said they only have one neighbor, the other house next to them has been vacant for about five years and the park owns it. The only neighbor has been contacted and has no issue. He said they have a pretty large out building as well.

Mr. Hasman asked what the purpose of having 15 foot tall garage doors. Mr. DeNigris responded that they were talking about in the future possibly purchasing an RV and would need somewhere to store it somewhere inside. He said the point is to be able to stay in Brecksville. He said he grew up in Brecksville and wants to keep his family here. He would like to grow into something, not out of it so they are planning for the future.

Mr. Hasman said when he visited the site the project was marked out and asked about the building behind where this garage will be. Mr. DeNigris said that is the property that the government owns. He said they come out and train on the property every once in a while. Mr. Hasman asked who the only neighbor is. Mr. DeNigris responded the home on the corner of Station and Riverview.

Mr. Stucky asked if Mr. DeNigris received a copy of the letter from the Metro Parks that talks about the deed restriction for his property. Mr. DeNigris stated he had not. Mr. Stucky, referring to number one on the letter which stated the property could not be used for anything other than residential, agriculture, nursery, gardening or a greenhouse, asked about the art gallery planned for the second floor. Mr. DeNigris clarified it is not a business it would be used for a hobby area. Mr. Stucky gave him a copy of the letter from the Metro Parks. Mr. Rose stated for the record that deed restrictions are private property items and this Board does not inforce them.

Mr. Stucky said he has a concern of setting a precedent to have garages larger than homes. Mr. DeNigris said the plan is to build a larger home on the property someday.

Mr. Rose asked if there were any questions. Hearing none he asked for a motion to close the public hearing.

Motion by Mr. Collin, seconded by Ms. Gagliano to close the public hearing.

ROLL CALL: Ayes: Collin, Gagliano, Hasman, Jayjack, Stucky, Rose

Nays: None

MOTION CARRIED

APPEAL 2024-14

Lisa & Ken Whitten for a variance from Section 1185.03(a) that the maximum permitted fence height be 4 ft. to allow 6 ft., as shown on the application dated April 23, 2024, located at 7110 Ashlawn Drive, PPN 601-03-007.

Mrs. Whitten spoke to the Board regarding this appeal. She said the fence height is needed due to the neighbors being able to look straight into their kitchen. She said they only want to do a partial fence and hang bird feeders and plants off of it. She said their plan is to enclose the current patio so they are only taking the fence to the end of the patio area.

Mr. Rose asked if a hardship is because of the terrain of the street, that the neighbors can look straight into their yard. Mrs. Whitten confirmed. She said if they installed only a four foot fence the neighbors could still look straight down.

Mr. Rose asked how long they have lived in this house and if anything has changed to make them want to install this fence now. Mrs. Whitten said they have lived their 9 years and they try to do a project every year. She said in three months they will have three children in college so the hardship is money. She said this is the project for this year. She said there were other more important projects. She said nothing has changed. She said she spoke to her neighbors and they have no issue.

Mr. Hasman asked if they have considered putting arborvitae in instead. Mrs. Whitten said yes, but it is so much work to keep up. She said they also could not put bird feeders in or hang flower pots on it.

Mr. Rose asked if they had considered a shadow box style fence. Mrs. Whitten said yes, that was the style she submitted.

Mr. Rose asked if there were any questions. Hearing none he asked for a motion to close the public hearing.

Motion by Mr. Collin, seconded by Mr. Jayjack to close the public hearing.

ROLL CALL: Ayes: Collin, Gagliano, Hasman, Jayjack, Stucky, Rose
Nays: None

MOTION CARRIED

APPEAL 2024-15

Todd Clark on behalf of David Fitzgerald for a variance from Section 1151.24 that the front yard setback be 125' for R-30 residential districts to allow 67.39' for a house addition, as shown on the application dated April 24, 2024, located at 9303 Snowville Road, PPN 605-15-006.

Todd Clark spoke to the Board regarding this variance. He said the family came to him to add space to their two bedroom single bathroom home to create a master bedroom, a mudroom, laundry room and two bedrooms that share a bathroom. The current house is already an existing nonconforming house due to setback requirements. They are asking to only maintain where the house is. Due to foundation issues they would like to demo the front section of the house and rebuild it with current standards.

Mr. Fitzgerald submitted a letter of approval from his neighbor.

Mr. Rose asked if there were any questions. Hearing none he asked for a motion to close the public hearing.

Motion by Mr. Hasman, seconded by Mr. Jayjack to close the public hearing.

ROLL CALL: Ayes: Collin, Gagliano, Hasman, Jayjack, Stucky, Rose
Nays: None

MOTION CARRIED

APPEAL 2024-16

John Wheeler for Cuyahoga Valley Career Center for a variance from Section 1153.32 that requires a minimum side yard setback of 200' to allow 176.13' for the construction of a lab and classroom, located at 8001 Brecksville Road, PPN 601-08-025 & 601-10-034.

Mr. Wheeler and Mr. Aaron Rodabaugh spoke to the Board regarding this appeal. Mr. Wheeler stated the plan is to place an addition to the high school for additional classroom space. The addition would be placed on a previous pad that was already approved. He said they are not making it any worse.

Mr. Rose asked if there were any questions. Hearing none he asked for a motion to close the public hearing.

Motion by Mr. Collin, seconded by Mr. Hasman to close the public hearing.

ROLL CALL: Ayes: Collin, Gagliano, Hasman, Jayjack, Stucky, Rose

Nays: None

MOTION CARRIED

APPEAL 2024-17

Matthew & Jennifer Ratajczak for a variance from Section 1151.25(d) that a detached private garage be a maximum of 660 sq. ft. to allow 1,920 sq. ft.; a variance from Section 1151.26(1) that a detached private garage be located in the rear yard to allow one in the side yard; and a variance from Section 1181.11 that the maximum height of an accessory building be 15' to allow 17.5', as shown on the application dated April 24, 2024, located at 2616 Hidden Canyon Drive, PPN 605-17-008.

Mr. and Mrs. Ratajczak spoke to the Board regarding this appeal. Mr. Ratajczak stated they have an approval from their HOA and neighbors. He said their garage is attached but only by a drive through. The plan is to put the detached garage behind that garage. He said the structure could not fully go behind their home due to elevation and a pool on the other side. The existing garage does not have upstairs storage so they are looking to add that to the new detached garage. He said they currently have 4 vehicles but only a three car garage and one garage bay is taken up by a snow blower. He said they are beginning to do more around their home such as their own landscaping and yard maintenance as well as pool maintenance.

Mr. Rose asked what the façade will be. Mr. Ratajczak said the front street view will be the same. Mr. Stucky asked what the size of the home is. Mr. Ratajczak responded 7,500 square feet, and the current garage is about 850. The new garage will be 1,900.

Ms. Gagliano asked about the type of pool equipment being stored. Mr. Ratajczak said they have a basketball hoop and ladders.

Mr. Hasman asked if there was a structure next to the pool. Mrs. Ratajczak stated it is an open pavilion.

Mr. Hasman asked about the trees where the project would be constructed. The Ratajczaks said there are three spruce trees that will be moved and might add some additional trees.

Mr. Rose asked if there were any questions. Hearing none he asked for a motion to close the public hearing.

Motion by Mr. Jayjack, seconded by Mr. Collin to close the public hearing.

ROLL CALL: Ayes: Collin, Gagliano, Hasman, Jayjack, Stucky, Rose
Nays: None

MOTION CARRIED

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
May 13, 2024**

Present: Collin, Gagliano, Hasman, Jayjack, Stucky, Rose

Absent: Kingston

Others: Building Inspector Synek, 25 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF MARCH 11, 2024

Motion by Mr. Stucky, seconded by Mr. Collin, to approve the Regular Meeting minutes of March 11, 2024.

ROLL CALL: Ayes: Collin, Gagliano, Hasman, Jayjack, Stucky, Rose

Nays: None

MOTION CARRIED

APPEAL 2024-10

Motion by Mr. Jayjack, seconded by Mr. Collin, that the Board of Zoning Appeals recommend to City Council approval of a variance from Section 1185.03(a) that the maximum permitted fence height be 4 ft. to allow 5 ft., as shown on the application dated March 20, 2024, located at 9515 Greystone Parkway, PPN 603-21-067.

ROLL CALL: Ayes: Gagliano, Hasman, Jayjack, Stucky, Rose

Nays: Collin

MOTION CARRIED

APPEAL 2024-11

Motion by Mr. Collin, seconded by Mr. Stucky, that the Board of Zoning Appeals recommend to City Council approval of a variance from Section 1151.25(d) that a detached private garage be a maximum of 660 sq. ft. to allow 720 sq. ft.; a variance from Section 1151.26(1) that a detached private garage be located in the rear yard to allow one in the side yard; and a variance from Section 1151.24 that the front yard setback be 60' to allow 52' for the detached private garage, as shown on the application dated April 12, 2024, located at 9229 Province Lane, PPN 602-10-014.

ROLL CALL: Ayes: Collin, Gagliano, Hasman, Jayjack, Stucky, Rose

Nays: None

MOTION CARRIED

APPEAL 2024-12

Motion by Mr. Hasman, seconded by Ms. Gagliano, that the Board of Zoning Appeals recommend to City Council approval of a variance from Section 1151.26(2) that hot tubs be located in the rear yard only to permit a hot tub in the side yard, as shown on the application dated April 12, 2024, located at 6811 E. Wallings Road, PPN 601-01-010.

ROLL CALL: Ayes: Collin, Gagliano, Hasman, Jayjack, Stucky, Rose

Nays: None

MOTION CARRIED

APPEAL 2024-13

Motion by Mr. Collin, seconded by Ms. Gagliano, that the Board of Zoning Appeals recommend to City Council approval of a variance from Section 1151.25(d) that a detached private garage be a maximum of 660 sq. ft. to allow 5,000 sq. ft., and a variance from Section 1181.11 that the maximum accessory building height be 15' to allow 21' 9", as shown on the application dated April 18, 2024, located at 13209 Station Road, PPN 602-31-010.

ROLL CALL: Ayes: Collin
Nays: Gagliano, Hasman, Jayjack, Stucky, Rose
MOTION FAILED

APPEAL 2024-14

Motion by Ms. Gagliano, seconded by Mr. Collin, that the Board of Zoning Appeals recommend to City Council approval of a variance from Section 1185.03(a) that the maximum permitted fence height be 4 ft. to allow 6 ft., as shown on the application dated April 23, 2024, located at 7110 Ashlawn Drive, PPN 601-03-007.

ROLL CALL: Ayes: Gagliano, Jayjack
Nays: Collin, Hasman, Stucky, Rose
MOTION FAILED

APPEAL 2024-15

Motion by Mr. Jayjack, seconded by Mr. Stucky, that the Board of Zoning Appeals recommend to City Council approval of a variance from Section 1151.24 that the front yard setback be 125' for R-30 residential districts to allow 67.39' for a house addition, as shown on the application dated April 24, 2024, located at 9303 Snowville Road, PPN 605-15-006.

ROLL CALL: Ayes: Collin, Gagliano, Hasman, Jayjack, Stucky, Rose
Nays: None
MOTION CARRIED

APPEAL 2024-16

Motion by Mr. Hasman, seconded by Ms. Gagliano, that the Board of Zoning Appeals recommend to City Council approval of a variance from Section 1153.32 that requires a minimum side yard setback of 200' to allow 176.13' for the construction of a lab and classroom, located at 8001 Brecksville Road, PPN 601-08-025 & 601-10-034.

ROLL CALL: Ayes: Collin, Gagliano, Hasman, Jayjack, Stucky, Rose
Nays: None
MOTION CARRIED

APPEAL 2024-17

Motion by Mr. Collin, seconded by Mr. Stucky, that the Board of Zoning Appeals recommend to City Council approval of a variance from Section 1151.25(d) that a detached private garage be a maximum of 660 sq. ft. to allow 1,920 sq. ft.; a variance from Section 1151.26(1) that a detached private garage be located in the rear yard to allow one in the side yard; and a variance from Section 1181.11 that the maximum height of an accessory building be 15' to allow 17.5', as shown on the application dated April 24, 2024, located at 2616 Hidden Canyon Drive, PPN 605-17-008.

ROLL CALL: Ayes: Collin, Gagliano, Hasman, Jayjack, Stucky, Rose
Nays: None
MOTION CARRIED

REPORT OF COUNCILMEMBER STUCKY

No Report

REPORT OF MAYOR KINGSTON

No Report

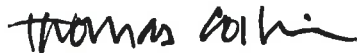
Motion by Mr. Stucky, seconded by Mr. Collin to close the Regular Meeting at 8:39 p.m.

MOTION CARRIED

THE BRECKSVILLE BOARD OF ZONING APPEALS



DENNIS ROSE, CHAIRPERSON



THOMAS COLLIN, VICE CHAIRPERSON



NORA GAGLIANO, SECRETARY

Public Hearing and Regular Meeting recorded by Kristen Kouri