

**MINUTES OF PUBLIC HEARINGS  
BRECKSVILLE BOARD OF ZONING APPEALS  
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL  
MAY 9, 2022**

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

Absent: Hasman

Others: Building Inspector Synek, 21 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 2022-13**

Otto Schmidt for Rudolph & Elaine Rosales for (1) a variance from Section 1151.22 from the minimum lot width of 150 ft. to allow 144.22 ft. on Parcel A and 100 ft. on Parcel B, and (2) a variance from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate, for a lot split located at 2412 Edgerton Road, PP# 604-01-001.

Otto Schmidt spoke to the Board regarding their appeal. He stated that the Mr. and Mrs. Rosales was looking to split their lot, in order to build a one story home, which would be senior friendly so they can age in place. Mr. Schmidt went on to explain that they currently live on the property in a farm house that has steep steps going to a second floor. As they have aged, it has become increasingly difficult to stay in the home. They are looking to split their lot, and because they are on a collector street, the requirement is 150 ft. minimum lot width. They are looking to divide the property into two lots, Parcel A at 144.22 ft. wide, and Parcel B at 100 ft. wide. The second variance is because there are no sidewalks on Edgerton Road, and they are looking not to install until the City would require it.

Mr. Rose clarified with Mr. Schmidt, that the owners would comply with installing sidewalks, when the City deems appropriate. Mr. Schmidt stated that was correct. Mr. Rose confirmed that they have gone in front of the Planning Commission, and they have set their front yard setback, and this has come to us from their recommendation. Mr. Caruso and Mayor Hruby stated that was correct. Mr. Rose clarified that Mr. and Mrs. Rosales will stay in their current home while building the new house. Mr. Schmidt stated that was correct.

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

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

**MOTION CARRIED**

## **APPEAL 2022-14**

Chris Buoncore for a variance from Section 1151.26(2), minimum required 10 ft. rear yard setback, to allow 0 ft. for a shed located at 6729 Pin Tail Drive, PP# 603-11-039.

Chris Buoncore spoke to the Board regarding his appeal. He stated that they moved to Brecksville one year ago, at which time, they installed a fence leaving a gap for a future shed. At that time they did not leave a 10 ft. buffer to the rear, but they do have plenty of room on both sides. Mr. Buoncore went on to explain, that instead of moving the whole fence 10 ft. forward, he is seeking a variance. His neighbors on all sides wrote letters and have no objection. Mr. Buoncore stated that he had a letter from the Homeowner's Association, as well. Mr. Buoncore stated that you cannot see the house to the rear, it is approximately 6 acres, and showed a picture to the Board. He felt that he was not imposing on any of his neighbors.

Mr. Rose asked how he would maintain the shed without going on his neighbor's property, if he is at 0 ft. Mr. Buoncore stated that there will be a few feet behind, he just put zero to have the maximum.

Mr. Collin clarified that Mr. Buoncore installed the fence. Mr. Buoncore stated that was correct. Mr. Collin asked if the fence was sitting exactly on the property line in the rear. Mr. Buoncore stated that it was not, there is approximately 16 ft. to the lot line. Mr. Collin wanted to clarify the exact location of the shed and asked if the shed was going behind the fence line. Mr. Buoncore stated that the initial plan was for the front of the shed to be flush with the fence, but now it will be 2 ft. forward from the fence. He passed out a picture. Mr. Collin asked what the depth of the shed was. Mr. Buoncore stated that it was 16 ft. deep and 12 ft. wide. Mr. Collin asked if there was some way he could turn it to make it 12 ft. deep and 16 ft. wide. Mr. Buoncore stated that the gap that he left open in the fence for the shed, was 12 ft.

Mr. McCrodden stated that the material that was submitted to the Board talked about the need for a drainage plan, because the shed was in the swale, and asked Mr. Synek for details regarding that. Mr. Synek stated that prior to issuing the permit, they will have to have the City Engineer approve the placement, that it will be located directly in the swale, on the approved topographic survey. Mr. McCrodden clarified that it will be addressed by the City Engineer in the permitting process. Mr. Synek stated that was correct. Mr. McCrodden explained that he was asking, because he wanted to know if the Board would have to amend the appeal during the voting process.

Mr. Rose asked Mr. Buoncore if he understood what they were talking about. Mr. Buoncore stated that he did, the variance would be contingent upon an approved solution for the drainage.

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

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

### **APPEAL 2022-15**

John Alberty for a variance from Section 1326.02 to install a generator on the side of the house instead of the rear as required by code located at 8056 Long Forest Drive, PP# 601-28-066.

Linda Alberty spoke to the Board regarding their appeal. She stated that they have a deck across the back of their home, and they were advised by the company that is going to install the generator, that they will not install it underneath the deck, because it presents a health problem with carbon monoxide and a possible fire. They recommend that the unit be installed on the side of the house. Ms. Alberty submitted a letter from her next door neighbor giving her consent, and also from their Homeowner's Association, and the neighbor across the street.

Mr. Rose asked if they were planning on screening the generator in same way. Ms. Alberty stated that they did, the Homeowner's Association has requested that they screen it with landscaping. It will be on a cement pad, and is just a partial home generator, so it will not be a large unit. They will install shrubbery around it to block it from the street.

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 2022-16**

Jim Hanna for Patricia Jordan for (1) a variance from Section 1151.25(d)(1) maximum 660 sq. ft. to allow 1350 sq. ft., and (2) a variance from 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.

Jim Hanna spoke to the Board regarding his appeal. Mr. Hanna stated that with regards to the hard surface driveway, the structure is not really going to be a garage, it will be more of a workshop, it will not store vehicles. The reason for the size variance was to store his stuff. Mr. Hanna went on to explain that he is semi-retired, as is now getting to all the projects that he never got around to. He wants to restore some things, and has taken up woodworking and would like to set up a workshop there. The current building that he has is 70 years old, and the foundation is crumbling, so they are planning to tear that one down and install a new structure. He went on to explain, that his current shed is pretty large, but not large enough for what he plans on doing. He had letters from four of his neighbors, north and south. He did not talk to the neighbors on Whitewood, but there is quite a bit of distance between them, and they would not be able to see it.

Mr. Rose stated the letters are from 8524, 8484, 8498, 8532 Brecksville Road, have been informed and have no objections to the appeal. Mr. Rose asked if it will have utilities. Mr. Hanna stated that for now, he will just start with electric. Mr. Rose asked if there will be water or gas. Mr. Hanna stated not at this time, but possibly in the future, he just wants to get it installed and have it be functional. Mr. Rose clarified that with regard to the no hard surface driveway, the reason for not installing one, would be that it was impractical, because it will be used for a storage/workshop. Mr. Hanna stated that was correct.

Ms. Gagliano asked how much of the structure would be visible from Brecksville Road. Mr. Hanna stated that you might catch a glimpse of it if you were headed north on Brecksville Road. Ms. Gagliano wanted to know how far from the north property line the structure would be installed. Mr. Hanna stated that it will be 10 ft. from the north property line.

Mr. Caruso asked if the height would be similar or less than the house. Mr. Hanna stated that it would be pretty similar, it would be a shallower pitch roof with tall walls. He showed them what the structure would look like on the overhead screen. He stated that he was not going to do the covered porch.

Mayor Hruby asked Mr. Synek if this structure would be considered a shed. Mr. Synek stated that they are classifying it as a garage. The Mayor clarified with Mr. Hanna that he would be installing gas, water and electric at some point in time. Mr. Hanna stated that they are going to install electric when they build it, but water and gas will be down the road possibly.

Mr. Rose stated that there are other reasons for the hard surface driveway that is required. For example, an EMT/Fire truck has to access it for whatever reasons, and that is probably one of the reasons for our code. He also wanted to clarify with Mr. Synek, that he could install two garages if he chose to. Mr. Synek stated that was correct.

Mr. Caruso asked if he had considered doing a permeable surface, and explained that it is a hard surface and grass grows thru it, so that it doesn't affect storm water drainage. Other people in the past have presented that to the Board as an alternative solution to the hard surface drive. Mr. Hanna stated that he had never heard of it, but it would be an option if he absolutely had to. He wasn't sure of the cost. Mr. Rose stated that it was fairly cheaper than installing a hard surface.

Mr. McCrodden wanted to confirm that the location of the structure will be where the current playhouse is now. Mr. Hanna stated that was correct. Mr. McCrodden clarified that he will move the playhouse further back on the property towards Whitewood and will tear down the existing shed. Mr. Hanna stated that was correct.

Mr. Collin confirmed with Mr. Hanna, that in discussing this with the neighbor to the north, did he show them the material that was submitted with the configuration on size. Mr. Hanna stated that he showed all four neighbors the book. Mr. Collin asked if they understood that the structure would be just a little bit smaller than his house. Mr. Hanna stated that it would be quite a bit smaller, but yes.

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

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

**MOTION CARRIED**

**APPEAL 2022-17**

Woodland Deck Company for Nipa & Ashwin Turakhia for a variance from Section 1151.24 from the minimum required 60 ft. rear yard setback to allow 40 ft. for the construction of a deck located at 6938 Crystal Creek Drive, PP# 602-12-043.

Matt Vargo, Woodland Deck spoke to the Board regarding his appeal. He explained that they have an existing deck right now, which they have a current variance for, which was 11.3 ft. back in 1995. They are wanting to increase the size of the deck. The proposed structure will be completely brand new, with a new foundation. They will be doubling the square footage of the deck, and will be all behind the house, but will go further back than the existing deck, 24 ft. deep, which will leave 40 ft. to the setback. Mr. Rose clarified with Mr. Synek that there was a previous variance. Mr. Synek stated that was correct. Mr. Rose asked if he had spoken with the neighbors. Mr. Vargo stated that they did not.

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 2022-18**

Eric Sternad for a variance from Section 1151.25(d)(2)(B) from the maximum 192 sq. ft. to allow 240 sq. ft. for the construction of a shed located at 10447 Tanager Trail, PP# 601-11-034.

Eric Sternad spoke to the Board regarding his appeal. Mr. Sternad stated that the Board approved him initially for a variance for a detached garage with no hard surface. He since went a different route and did not do a detached garage. Upon further review, he did not realize what a detached garage constituted vs. a shed. It has a sealed wooden floor, so it is no longer considered a detached garage, and the structure is slightly larger than the maximum 192 sq. ft., it is 240 sq. ft.

Mr. Rose asked if he would be installing a boat there. Mr. Sternad stated that he would not be. Mr. Sternad stated that he had letters from both his immediate neighbors at 10501 Tanager Trail and 10435 Tanager Trail, who have no issue with their appeal.

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

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

#### **APPEAL 2022-19**

Brandon Barski for Thomas & Hanna Breslin for a variance from Section 1151.26(2) to allow a pavilion with a fireplace in the side yard instead of the rear yard as required by code located at 11510 Glen Valley Drive, PP# 602-15-010.

Tom Breslin spoke to the Board regarding his appeal. He stated that he and his wife want to build an outdoor living space in their yard. With the layout of their yard, they have 12-15 ft. behind their house and then it drops off into the valley. They started the project about a year ago, and the initial plans were to build a patio and pavilion along the back edge of the top of the slope. During that process a Geotech Engineer came out and walked the property a couple times, and essentially was recommended by the Engineer, not to build on top of the slope. It is failing behind their house

pretty bad, and putting all that weight there would accelerate the deterioration of the slope. Through some revisions they pulled the patio and pavilion forward into the side yard.

Mr. Rose summarized that terrain was the main reason for the variance. Mr. Breslin stated that was correct, and he did talk to his neighbor to the east, which will be affected the most, and she is in support of the project, and had a written letter from her. He also sent out an email to the HOA detailing all the plans, and they were in support as well.

Mr. Collin asked if the structure was for year round use, or just for the summer months. Mr. Breslin stated that he would like to spend more time outside, so they are hoping with the covered structure they will be able to do that. Mr. Collin asked if the pavilion would be enclosed. Mr. Breslin stated that the pavilion will be open.

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

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

**MOTION CARRIED**

#### **APPEAL 2022-20**

Payne and Payne for Bruce and Amy Colligan for (1) a variance from Section 1181.11(a) maximum roof area over 30 ft. is limited to 25% of ground floor to allow 38% and (2) a variance from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate for a new single family dwelling located at 10531 Snowville Road, PP# 605-17-002.

Jason Baylor, Payne and Payne, spoke to the Board regarding his appeal. He stated that he provided a narrative with his submittal explaining the project. The first request being the height variance, in setting the house, they wanted to take into consideration the navigability of the drive, so it would not be unusually steep, and position the first floor, so it was as close as possible to the level of the road. The site does drift down from the street and falls off more sharply, which is common for a few houses there right in a row on Snowville Road, so they have some topographical challenges. Mr. Baylor went on to explain that on the back of the house and right side, the grade drops away which allows them to blend into the existing topography. They haven't left a tremendous amount exposed in the back, and still are exceeding the height variances.

Mr. Rose asked Mr. Synek if they were to build this home on a flat terrain would there still be a height problem. Mr. Baylor answered, and stated that he didn't run those height calculations, but from his experience, typical roof pitch, there is nothing unusual about the height to the interior spaces, he would expect not.

Mr. Collin asked what the setback on Snowville Road was. Mr. Baylor stated that all the homes there are in line, between 60 or 80 ft. He stated that was part of the study that was discussed at Planning Commission last month. Mr. Collin clarified that the terrain drops off from the level of Snowville. Mr. Baylor stated that it did.

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 2022-21**

Robert Schneider for a variance from Section 1185.03(a) maximum fence height of 4 ft. to allow 6 ft. located at 3719 Oakes Road, PP# 603-02-032.

Robert Schneider spoke to the Board regarding his appeal. He stated that their plan was to install a patio, and they are on a corner, and do not have much privacy, because they have two front yards. Their idea is to install a 6 ft. high fence, with 40 lineal feet from the northwest corner of the house and another angled section. They have several cars that come down eastbound on Oakes Road and take a left onto Glenwood. The headlights sweep across their yard and also the other traffic that is there. The fence would be there just to give them some privacy to cook out and relax in their back yard without being seen.

Mr. Rose explained the reason behind the ordinance, and stated, it has been that way for a long time. Tall fences are really not seen in Brecksville too often. He asked if he considered arborvitaes or a line of trees that would give him the same kind of protection from the cars turning on Glenwood. Mr. Schneider stated that they did, but said it would take a few years to fill in and would become effective.

Ms. Gagliano asked if there was a picture of what the fence would look like. Mr. Schneider stated that it would be a Board on Board style of fence. They haven't chosen a color yet, but it will be something neutral. The reason that they want to install the fence at a 45 degree angle is that there is a large maple tree there that he would like to keep.

Mr. Caruso asked if he would be willing to do a slightly shorter fence, maybe 4 ½ ft. Mr. Caruso felt that would be plenty tall to keep headlights out and still give him privacy. Mr. Schneider stated that he is almost 6 ft. tall and if it would only help if you were sitting down, he would really like to go with a 6 ft. fence.

Mayor Hruby asked Mr. Schneider what he was trying to block. Mr. Schneider stated that it was primarily the headlights on Glenwood Trail, the lights sweep across the whole property. They are looking for privacy. Mayor Hruby asked him if he couldn't accomplish that with a 4 ft. fence. Mr. Schneider stated that he did not think it would be the same at all. Mayor Hruby asked how high the lights are on a car. Mr. Schneider stated that the cars are coming up a hill, and as he stands in his back yard, he is blinded by them. He would like to have something high enough so when he is standing he doesn't see them. He is trying to give them a little privacy. He stated he has no problem with his neighbors, and he has spoken with all of them, except for the ones to the south across the street.

Mr. McCrodden wanted to state that as a Board, they have ever approved any if at all a high fence at an intersection like this, and was expressing his concern about setting a precedence. Mr. Rose stated that is what he was thinking, and why he mentioned the arborvitaes. Mr. Schneider wanted clarification. Mr. Rose explained that Mr. McCrodden was explaining that on all the time he has been on this Board he has no recollection that we ever approved a fence of this nature especially

on a corner lot, it is a 6 ft. stockade fence basically and that is the issue. That is why he brought up the arborvitae which may provide some benefit.

Mr. Rose opened up questions to the audience. Harold Wright, 3911 Oakes Road spoke to the Board. He stated that arborvitae would be more aesthetically pleasing, a 6 ft. fence would set a precedence.

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  
MAY 9, 2022**

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

Absent: Hasman

Others: Building Inspector Synek, 21 guests

**APPROVAL OF THE REGULAR MEETING MINUTES OF APRIL 11, 2022**

Motion by Mr. Collin, seconded by Mayor Hraby, to approve the Regular Meeting minutes of April 11, 2022 as recorded.

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

**MOTION CARRIED**

**APPEAL 2022-13**

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 1151.22 from the minimum lot width of 150 ft. to allow 144.22 ft. on Parcel A and 100 ft. on Parcel B, and (2) a variance from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate, for a lot split located at 2412 Edgerton Road, PP# 604-01-001.

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

**MOTION CARRIED**

**APPEAL 2022-14**

Motion by Mr. Collin, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.26(2), minimum required 10 ft. rear yard setback, to allow 0 ft. for a shed located at 6729 Pin Tail Drive, PP# 603-11-039.

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

**MOTION CARRIED**

**APPEAL 2022-15**

Motion by Mr. Caruso, seconded by Mr. Collin, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1326.02 to install a generator on the side of the house instead of the rear as required by code located at 8056 Long Forest Drive, PP# 601-28-066.

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

**APPEAL 2022-16**

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)(1) maximum 660 sq. ft. to allow 1350 sq. ft., and (2) a variance from 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: McCrodden, Gagliano, Caruso  
Nays: Hruby, Collin, Rose  
**MOTION DENIED**

**APPEAL 2022-17**

Motion by Mr. Collin, seconded by Ms. Gagliano, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 from the minimum required 60 ft. rear yard setback to allow 40 ft. for the construction of a deck located at 6938 Crystal Creek Drive, PP# 602-12-043.

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

**APPEAL 2022-18**

Motion by Mr. Caruso, 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) from the maximum 192 sq. ft. to allow 240 sq. ft. for the construction of a shed located at 10447 Tanager Trail, PP# 601-11-034.

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

**APPEAL 2022-19**

Motion by Mayor Hruby, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.26(2) to allow a pavilion with a fireplace in the side yard instead of the rear yard as required by code located at 11510 Glen Valley Drive, PP# 602-15-010.

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

**APPEAL 2022-20**

Motion by Mr. Collin, seconded by Mr. McCrodden, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1181.11(a) maximum roof area over 30 ft. is limited to 25% of ground floor to allow 38% and (2) a variance from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate for a new single family dwelling located at 10531 Snowville Road, PP# 605-17-002.

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

**MOTION CARRIED**

**APPEAL 2022-21**

Motion by Mr. McCrodden, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1185.03(a) maximum fence height of 4 ft. to allow 6 ft. located at 3719 Oakes Road, PP# 603-02-032.

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

**MOTION DENIED**

**REPORT OF COUNCILMEMBER CARUSO**

No Report.

**REPORT OF MAYOR HRUBY**

The Mayor reported that our traditional Memorial Day Parade was returning, with step-off at City Hall at 10:00 a.m. on Memorial Day. There will be a cemetery service that will take place at Highland Cemetery, with refreshments at the Fire Department immediately following. The Mayor also reported that he was sad to announce that former Councilman Bill Guarnieri, who served in the 1970's passed away. Also former Mayor, Bob Kubicek, passed away. He was in office when the City changed from a Village to a City. He served during the opening of the Veteran's Administration Hospital, the Brecksville Shopping Center, the first library on Highland Drive, and the first condominiums that were permitted to be built in Brecksville. He served as Mayor for four years, and served on City Council for six years, he had quite a legacy, and will be missed.

Motion by Mr. McCrodden, seconded by Mr. Collin, to close the Regular Meeting at 8:27 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