

Present: Nora Gagliano, Robert Hasman, Brian Stucky, Mayor Kingston, Tom Collin, Ken Jayjack. Dennis Rose

Absent: None

Others: Building Inspector Synek, 22 guests.

PUBLIC HEARINGS

Mr. Rose opened the meeting at 7:33 p.m. He started the meeting with an explanation of the code, the job of the Board of Zoning Appeals Committee, and the process of appeal.

Appeal 2024-02 – 8300 & 8310 Settlers Passage

Mr. David Hesse, Payne & Payne Builders appeared on behalf of owners, Eric and Eisha Barbato. They are seeking to build, at this time, a 2400 sq. ft. garage with a small amount of space to be built out as living quarters for weekend visits to the property. At a later, unspecified time, they will seek to build a large primary residence on this property.

They are seeking these variances for a shared driveway, for the construction of a new house located at 8300 & 8310 Settlers Passage, PP#602-08-004 & 602-08-005:

1. A variance from Section 1151.04 to allow the accessory use sq/footage to exceed that of the single family dwelling (main use).
2. A variance from section 1151.23(a) maximum 210 ft. front yard setback to allow 224.86 ft.
3. A variance from section 1119.09(d) not to install the required public sidewalks until such time as the City deems appropriate
4. A variance from section 1151.26(7) driveways minimum 3 ft. from lot lines to allow 0 ft. for a shared driveway

Mr. Rose stated that the critical issue in these requests is #1 above where the garage sq. ft. is hugely larger than the living area. This is the first time such a request has been made. Mr. Synek confirmed this to be true.

Mr. Rose asked if the use will be for commercial purposes and Mr. Hesse stated that it is for pleasure storage and working space of motorcycles and cars (hobby).

Mr. Hesse reported that the property has utility and drainage easements already in place, they are looking to utilize this existing access for both dwellings.

Mr. Hesse reported that the set back is requested due to the topography and geo-technical assessment of the soil testing indicating where best fit occurs. Any movement towards the hill would require stabilization efforts.

Mr. Jayjack asked if there was any intent to hide the garage doors from the street view, perhaps with screening materials. Mr. Hess pointed out that they had positioned the doors away from

the street and would not be opposed to adding screening materials as the project proceeds, although not currently planned for.

Mr. Collin asked for clarification on the size of the two parcels and was told one is 26 acres and the other is 6 areas.

Mayor Kingston again asked for confirmation that this is the first time a request of this type of variance has been requested. Mr. Synek confirmed and stated that the normal ratio would be more like 60/40 living space to garage.

Mr. Stucky added they could make more living space. Mr. Hesse reminded that the main big residence is planned for the future. Mr. Rose commented that there is no guarantee that the house would be built.

Mr. Hasman asked about proximity to neighbors. Mr. Hess says that approximately three will be seeing the structure. He reviewed on the drawings for all to understand.

Ms. Gagliano asked what the plan for the driveway surface is. Mr. Hesse explained that asphalt was planned but could be changed if required by the City.

Mr. Rose opened the meeting to discussion with neighbors:

John Korfhage – 8309 Settlers Passage commented the proposed garage is too large and will be too visible from multiple points in the Settlers Passage development Mr. Hesse reminded the group that this property is not part of the development.

Tim Ipsaro - 11018 Greenhaven does not support the plans as proposed and believes there is an ownership dispute on the plateau. Mr. Rose advised that the City will not be involved in an ownership dispute.

Nancy Ference – 8517 Settlers Passage is opposed to this building that looks like a commercial storage facility. She stated there is not place in their residential neighborhood for this due to impact on property values. She also stated she has enormous concerns about vandalism being drawn to the unoccupied property. Mr. Rose asked Mr. Hesse about plans for security. He stated that those have not yet been identified but assured everyone that flood lights would not be installed. Ms. Ference also complained that they had not received notice of the second meeting. Mr. Synek reported that notices had been sent to neighboring properties and a sign was posted at the property. Mr. Jayjack reported the sign was laying down at the site.

Claire & Dick Hayes, 8510 Settlers Passage are opposed due to the visibility of what appears to be a large garage and fears decline in property values. He questions why the owners are not at the meeting personally. Mr. Rose advised that owners are allowed to delegate representatives to the BZA meetings, which is frequently done.

There being no further questions, Mr. Collin made motion to close the Public Hearing.
Seconded by Ms. Gagliano.

MOTION CARRIED

Mr. Paul Kuzmins, property owner, presented a request to be granted a variance from Section 1185.02(d) to allow solid type fencing (not allowed) located at 8968 Elm St., PP# 601-34-051.

The building department discovered the fence had been installed when doing the final inspection for a pool installation. Mr. Kuzmins apologized and explained the original request for the pool included the fence (submitted by contractor). Mr. Kuzmins decided to do the fence installation himself vs. paying a contractor. He stated a neighbor helped put it up.

Mr. Synek confirmed the original fence request was for an approved ornamental fence.

Mr. Kuzmins advised Mr. Hasman that the fence had been installed last summer (2023) and is complete and would not have any expansion.

Mr. Stucky asked if there were other solid fencing sites. Mr. Synek provided a list of some sites.

There being no further questions, Mr. Collin made motion to close the Public Hearing.
Seconded by Ms. Gagliano.

MOTION CARRIED

Appeal 2024-07 – 8765 Riverview Rd 44141

Mr. David Borowske, Borowske Builders, representing the owners (also in attendance) Nicole Berardi & Michael Domkowski, 8765 Riverview Rd. 44141 He presented a proposal to demolish the existing garage and construct a new attached garage which requires two variances.

1. Total of two side yards – 30" required, 27" requested.
2. As part of driveway alteration to accommodate the new garage a turnaround is required. The proposed turnaround is 0 ft. from the lot line. Driveways require a minimum 3 ft. setback from lot line.

Mr. Borowske reported the very old current garage is too short for current vehicles. Homeowner seeks to expand to a four (4) car garage. The garage will be attached to the house by a 5' breezeway. Any closer risks the corner of the house in the tight turn.

Mr. Collin asked if the proposed garage exceeds the size of the house. Mr. Borowske reported the garage will be 1,000 sq. ft. and the house is 1,766 sq. ft.

Mr. Rose expressed concern that a 0 ft. driveway would create trespassing on the property at 8771 Riverview Rd.

Mr. Stucky asked why they can't put the garage closer or move the turn around to the other side so a 3' lot line could be maintained.

Mr. Synek reported that a turnaround is required. Mr. Rose pointed out that they could appeal not to install a turnaround which would eliminate getting the 3' from lot line variance.

Mr. Synek said that would work but a new appeal and notice would be required for that element of their request.

Mr. Travis Bukach, 8762 Riverview Rd. and Ms. Margaret Smith of 8761 River Rd., both spoke in support of the project. They both view the project as a positive improvement to the property and long term investment in the Riverview Rd community.

There being no further questions, Ms. Gagliano made motion to close the Public Hearing.
Seconded by Mr. Collin.

MOTION CARRIED

Appeal 2024-08 – 6589 Glen Coe Dr. PP#603-18-033

Mr. Steve Malaga, Malaga Designs, on behalf of the owners, Cody Rutledge & Alexander Melnyk, 6589 Glen Coe Dr., 44141, to allow a limited amount of 4 ft. tall ornamental fence in front of the building line on a corner lot. He reported that 17' is allowed but need 24' for the corner lot. He reported the proposed fence rests behind the existing tree line and no trees will be removed.

There being no further questions, Mr. Collin made motion to close the Public Hearing.
Seconded by Ms. Gagliano.

MOTION CARRIED

Appeal 2024-09 – 10064 Echo Hills Dr., PP#605-19-010

Mr. Christian Crock, Woodland Deck Company, on behalf of Meredith Shoop, owner, presented a proposal to construct a deck which requires one variance for rear yard setback. The lot is non-conforming, as to size.

Mr. Synek confirmed to Mr. Rose the non-conforming nature of the site.

Mr. Stucky stated it appears to be on the only way to build the deck. Mr. Rose agreed.

Mr. Collin asked if there was any plan to cut existing trees. Mr. Crock assured there was no such plan.

There being no further questions, Mr. Jayjack made motion to close the Public Hearing.
Seconded by Ms. Gagliano.

MOTION CARRIED

Present: Nora Gagliano, Robert Hasman, Tom Collin, Brian Stucky, Mayor Kingston, Ken Jayjack, Dennis Rose
Absent: None
Others: Building Inspector Synek and 22 guests.

Mr. Rose opened the Regular Meeting at 8:30 p.m.

APPROVAL OF THE REGULAR MEETING MINUTES OF FEBRUARY 12, 2024

There being no update to the minutes when requested, Mr. Collin made a motion to approve the Regular Meeting Minutes of February 12, 2024. Ms. Gagliano seconded the motion.

ROLL CALL:

Ayes: Ms. Gagliano, Mr. Collin, Mr. Stucky, Mayor Kingston, Ken Jayjack, Dennis Rose

Abstain: Mr. Hasman

Nays: None

MOTION CARRIED

Appeal 2024-02 - 8300 & 8310 Settlers Passage, PP# 602-08-004 & 602-08-005

Before beginning action on this appeal, Mr. Synek suggested consideration of separating each of the four requested items. After consideration, Mr. Hesse, on behalf of the owner, and Mr. Rose agreed to this suggestion.

Motion by Mr. Collin, seconded by Ms. Gagliano that the Board of Zoning Appeals recommend to City Council the approval for (1) a variance from Section 1151.04 to allow the accessory use sq/footage to exceed that of the single-family dwelling (main use), (2) a variance from section 1151.23(a) maximum 210 ft. front yard setback **to allow 224.86 ft.**, (3) a variance from section 1119.09(d) not to install the required public sidewalks until such time as the City deems appropriate, (4) a variance from section 1151.26(7) driveways minimum 3 ft. from lot lines to allow 0 ft. for a shared driveway, for the construction of a new house located at 8300 & 8310 Settlers Passage, PP# 602-08-004 & 602-08-005

Item (1) variance from Section 1151.04

ROLL CALL:

Ayes: None

Nays: Ms. Gagliano, Mr. Hasman, Mr. Stucky, Mayor Kingston, Mr. Collin, Mr. Jayjack, Mr. Rose

Item (1) NOT APPROVED

Item (2) variance from section 1151.23(a)

ROLL CALL:

Ayes: Ms.Gagliano, Mr. Hasman, Mr. Stucky, Mayor Kingston, Mr. Collin, Mr. Jayjack, Mr. Rose

Nays: None

Item (2) MOTION CARRIED

Item (3) a variance from section 1119.09(d)

Ayes: Ms.Gagliano, Mr. Hasman, Mr. Stucky, Mayor Kingston, Mr. Collin, Mr. Jayjack, Mr. Rose

Nays: None

Item (3) MOTION CARRIED

Item (4) a variance from section 1151.26(7)

Ayes: Ms.Gagliano, Mr. Hasman, Mr. Stucky, Mayor Kingston, Mr. Collin, Mr. Jayjack, Mr. Rose

Nays: None

Item (4) MOTION CARRIED

Appeal 2024-06 - 8968 Elm St., PP# 601-34-051.

A motion was made by Mr. Jayjack, seconded by Mr. Collin, to recommend to City Council the approval for a variance from Section 1185.02(d) to allow solid type of fencing (not allowed) located at 8968 Elm St., PP# 601-34-051.

ROLL CALL:

Ayes: Mr. Hasman, Mr. Stucky, Mayor Kingston, Mr. Collin, Mr. Rose

Nays: Mr. Jayjack

Abstain: Ms. Gagliano

MOTION CARRIED

Appeal 2024-07-8765 Riverview Rd., PP# 602-30-005

The owners requested these items be voted individually.

A motion was made by Ms. Gagliano, seconded by Mr. Stucky, to recommend to City Council

for (1) a variance from Section 1151.24 a minimum 30 ft. total side yards required to allow 27 ft. and (2) a variance from Section 1151.26(7) driveway setback minimum of 3 ft. from lot lines to allow 0 ft. for the construction of an attached garage located at 8765 Riverview Rd., PP# 602-30-005.

Item (1) a variance from Section 1151.24

ROLL CALL:

Ayes: Ms.Gagliano, Mr. Hasman, Mr. Stucky, Mayor Kingston, Mr. Collin, Mr. Jayjack, Mr. Rose

Nays: None

MOTION CARRIED

Item (2) a variance from Section 1151.26(7)

ROLL CALL:

Ayes: Ms. Gagliano, Mr. Hasman, Mayor Kingston, Mr. Collin, Mr. Jayjack, Mr. Rose

Nays: Mr. Stucky

MOTION CARRIED

Appeal 2024-08 - 6589 Glen Coe Dr. PP#603-18-033

A motion was made by Mr. Hasman, seconded by Mr. Stucky to recommend to City Council for a variance from Section 1185.03(b) to allow a 4 ft. ornamental fence in front of the building line on a corner lot as shown on the drawing dated February 2, 2024, (not allowed) located at 6589 Glen Coe Dr. PP#603-18-033.

ROLL CALL:

Ayes: Ms.Gagliano, Mr. Hassman, Mr. Stucky, Mayor Kingston, Mr. Collin, Mr. Jayjack, Mr.Rose

Nays: None

MOTION CARRIED

Appeal 2024-09 - 10064 Echo Hills Dr., PP#605-19-010

A motion was made by Mr. Collin, seconded by Mr. Stucky, to recommend to the City Council the approval of a variance from section 1151.24 minimum 80 ft. rear yard setback required to allow 22 ft. for the construction of a deck on a non-conforming lot located at 10064 Echo Hills Dr., PP#605-19-010.

ROLL CALL:

Ayes: Ms.Gagliano, Mr. Hassman, Mr. Stucky, Mayor Kingston, Mr. Collin, Mr. Jayjack, Mr.Rose

Nays: None

MOTION CARRIED

REPORT OF COUNCIL REPRESENTATIVE - No Report

REPORT OF MAYOR KINGSTON

- 3/19 is primary election day. Please be aware that Issue 26, a renewal tax levy for the Human Services Department in Cuyahoga County, will be on the ballot.
- 4/8 is the Solar Eclipse. There will be a lot of activity at Blossom with some free viewing glasses available. The event is from 1-4 pm.

Mr. Rose queried members to ascertain if a minimum of four (4) would be available to attend the 4/8/2024 Board of Zoning Appeals meeting. It was concluded that the meeting will be held as a quorum of Board members plan to be in attendance.

A motion was made at 8:50 p.m. by Mr. Stucky to adjourn the meeting, seconded by Mr. Collin.

MOTION CARRIED

THE BRECKSVILLE BOARD OF ZONING APPEALS



DENNIS ROSE, CHAIRPERSON



TOM COLLIN, VICE CHAIRPERSON



NORA GAGLIANO, SECRETARY

Public Hearing and Regular Meeting Minutes recorded by Debbie Knox