

**MINUTES OF PUBLIC HEARINGS  
BRECKSVILLE BOARD OF ZONING APPEALS  
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL  
MAY 8, 2023**

Present: Hasman, Caruso, Hruby, Collin, Rose

Absent: Gagliano, McCrodden

Others: Building Inspector Synek, 2 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 2023-21**

Mike & Angela Malley for (1) a variance from Section 1185.03(a) maximum fence height of 4 ft., to allow 6 ft., and (2) a variance from Section 1185.03(b) to allow a 6 ft. fence in front of the building line on a corner lot (not allowed) at 8395 Timber Trail, PP# 601-21-057.

Mike Malley spoke to the Board regarding his appeal. He stated the hardship and reason for this request is they are avid gardeners and due to the deer population that creates a challenge. He also added they are on a corner lot with a very heavily wooded ravine, causing a lot of animals to visit their yard. He informed the Board they have tried to put in place deterrents, such as deer netting, however, they just get tangled up in the netting. He thinks a fence would help in this situation. He understands it will not deter all animals. He told the Board they have some raised beds in what is considered the front of the lot, to them it is their side yard, and believes a fence would protect the beds. He told the Board they are keeping with the aesthetics of the neighborhood in the fence they chose, he also said he is not naïve and understands a deer can jump a 6ft. fence, however, believes it will deter most. He explained to the Board he believes the fence will help protect their investment in their hobby of gardening as well as keep with the beautification of the neighborhood.

Mr. Rose said the fence will not help with little critters going under and through the fence, stating this is obviously primarily to deter the deer, and asked if they were just meaning to fence in the side gardens. Mr. Malley responded yes. Mr. Rose commented that the side yard is very heavily covered with evergreens and looks like the fence would be covered by trees at least along Route 21. Mr. Malley confirmed.

Mr. Hasman asked if the fence will be black as shown in the picture. Mr. Malley confirmed.

Mr. Rose asked Mr. Synek to confirm that part of the issue is because this is a corner lot. Mr. Synek responded yes.

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

Motion by Mr. Collin, seconded by Mr. Hasman to close Public Hearing.

**MOTION CARRIED**

**MINUTES OF REGULAR MEETING  
BRECKSVILLE BOARD OF ZONING APPEALS  
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL  
MAY 8, 2023**

Present: Caruso, Hasman, Hruby, Collin, Rose

Absent: Gagliano, McCrodden

Others: Building Inspector Synek, 2 guests

**APPROVAL OF THE REGULAR MEETING MINUTES OF April 10, 2023**

Motion by Mayor Hruby, seconded by Mr. Caruso, to approve the Regular Meeting minutes of April 10, 2023, as recorded.

ROLL CALL: Ayes: Caruso, Collin, Hasman, Hruby, Rose  
Nays: None

**MOTION CARRIED**

**APPEAL 2023-21**

Mr. Rose offered the appellant to table the appeal until there is a full Board. He explained that even though there is only five members present, he is still required to have a majority vote. Mr. Malley thanked the Board and asked them to proceed.

Motion by Mr. Hasman, 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 6 ft., and (2) a variance from Section 1185.03(b) to allow a 6 ft. fence in front of the building line on a corner lot (not allowed) at 8395 Timber Trail, PP# 601-21-057.

ROLL CALL: Ayes: Caruso, Collin, Hasman, Hruby, Rose  
Nays: None

**MOTION CARRIED**

**REPORT OF COUNCILMEMBER CARUSO**

No Report

**REPORT OF MAYOR HRUBY**

Mayor Hruby reported that the City Shred Day is Saturday May 13<sup>th</sup> in the Municipal Lot. He asked those that will utilize this service to bring a canned good for our pantry that helps those in the community who are in need.

Mayor Hruby updated the Board that Ron Weidig's last day will be May 19<sup>th</sup> and Joseph Kickel will be appointed Director of Public Service effective May 20<sup>th</sup>. He told them Joe is coming from Cleveland Heights where he was a Deputy Director, and looks forward to working with him.

Mayor Hruby reported that Monday, May 29<sup>th</sup> is the Annual Memorial Day Parade and Ceremony at the Brecksville Highland Drive Cemetery. It kicks off at 11:00 am, and ends with refreshments at the Fire Station after the service at the cemetery.

He updated the Board that next week is Police Memorial Week, where we honor the Police Officers who have given their life in the line of duty. He said there will be a small private dedication and ceremony honoring the life of Detective James Skernivitz, a Brecksville resident who was a Cleveland Police Officer killed in the line of duty. ‘

Mr. Synek asked the Board their thoughts on signing of the meeting minutes. He reported that they have looked into other cities and other Boards and Commissions, and they do not require signatures on the minutes, only to vote. The Board said they believe it is in the code and they do not have an issue with signing the minutes, however, they would defer to Law Director Matty to decide.

Motion by Mr. Hasman, seconded by Mayor Hruby to close the Regular Meeting at 7:45 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 Kristen Kouri