

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
FEBRUARY 12, 2024**

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

Absent: Hasman

Others: Building Inspector Synek, 22 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 appeals.

APPEAL 2024-02

David Hesse for Eric Barbato, 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 251.1 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 8310 Settlers Passage, PP# 602-08-004 & 602-08-005.

Appellant did not appear for hearing. Mr. Rose said the Board will hear the other requests while we wait to see if the appellant or a representative appears. A woman from the audience asked to see the diagram for the appeal that was presented on the screen. Mr. Rose instructed those in the audience that because the appellant did not show there is no appeal and therefore no need for questions at this time and if they have questions or concerns they can contact the Building Department to receive the packet that was submitted. He said if the appellant shows the documentation will be shown on the screens and questions will be taken at that time.

APPEAL 2024-04

Brian and Basia Baumann (1) a variance from Section 1151.25(d)(2)(C) maximum 240 sq. ft. to allow 412 sq. ft. for the construction of a pool house building located at 6505 Summer Wind Drive, PP#604-10-004.

Brian Baumann spoke to the Board regarding his appeal. He stated they are building an in ground pool in their back yard and would like to have a restroom and seating area close by and decided to construct a small pool house. Mr. Rose asked if the mechanical was also going to be stored inside the building. Mr. Baumann said yes. Mr. Rose asked if Mr. Baumann had spoken to his neighbors on either side. Mr. Baumann responded yes, and they are both ok with the structure. He said his backyard is wooded and neighbors behind his house could not see it, and nobody from Snow Blossom has expressed a concern.

Mr. Rose asked for clarification of the hardship, he asked is it because the permitted shed size is not big enough. Mr. Baumann confirmed. It is going to be a restroom, small kitchenette and sitting area.

Councilman Stucky asked if Mr. Baumann had spoken to his HOA. Mr. Baumann replied yes, the HOA instructed him to get BZA and Council approval first then come back to the HOA. Councilman Stucky instructed him that City Council will need approval from the HOA prior to voting on this. Mr. Baumann said that will not be a problem.

Mayor Kingston said 412 square feet does not seem unreasonable big to him, and asked Ms. Gagliano, who does pools for a living, if she felt this was unreasonably large. Ms. Gagliano said no, especially because it will be housing the mechanical as well.

Hearing no further questions from the Board, Mr. Rose opened up questions from the floor.

Darryl Mancini of 4858 Snow Blossom Lane stated he has no objection to the building, he just wanted to ask if the Building Department requires a topo for storm water run-off because he has put a lot of money into his property. Mr. Synek said it depends on the location of the building and what the existing conditions are there and if there are plans to have any grading changes. Mr. Mancini said Mr. Baumann's property is higher than his and at one time a swale was put in but he is not sure if it is still there. Mr. Mancini said he does not object to the construction, he only asks for some reassurance that more water will not run onto his property.

Mr. Rose asked Mr. Baumann if there are plans for the water run-off from the roof of the building and if there are any grading changes. He responded there are no grading changes and the water will run off the roof into gutters and onto the ground. He also confirmed the swale is still there and will remain there.

Councilman Stucky said that the plans show footers, but no footer drains. Councilman Stucky said anything captured from the roof would go into the gutters and down the downspouts so having footer drains would be a good idea. He said Mr. Baumann would need to get that added to the drawings and the Building Department would need to confirm that. Mr. Baumann agreed.

Hearing no other questions, Mr. Rose 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, Jayjack, Kingston, Stucky, Rose

Nays: None

MOTION CARRIED

APPEAL 2024-05

Scott and Kim Warren for (1) a variance from Section 1173.02(a) to allow 8 ft. extension for the construction of an addition on the front of a house on a non-conforming lot located at 8700 Riverview Road, PP#602-14-018.

Scott Warren spoke to the Board regarding his appeal. He stated they have a non-conforming lot and the house they purchased a few years ago. They are finalizing some redesign plans, they plan to keep the home a ranch, but have been looking at different footprints of an upgrade. He presented the Board a conceptual drawing. He said when the home was originally built there was no established setback so the Building Department can only assume the present setback is the historical setback so any change would have to be approved by the BZA and Council. He said they are limited to coming out 8 feet in the front. He said both sides of the front of the house will come

out 8 feet or the inside will be a covered porch area. Mr. Synek confirmed there is no established front set back.

Councilman Stucky stated he thinks they did a great job trying to work this expansion in and match the roof lines matched.

Mr. Collin asked if this was not just an exterior addition but also a large undergoing of interior renovations. Mr. Warren confirmed. He said it is a conceptual drawing so the addition might shrink but it will not get bigger, and he does not foresee needing any other variance for the house.

Hearing no other questions, Mr. Rose asked if there was a motion to close the public hearing.

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

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

Nays: None

MOTION CARRIED

APPEAL 2024-02

Mr. Rose asked if appellant 2024-02, Mr. Hess or a representative, was in audience. Hearing no one come forward, Mr. Rose asked if the Board would like to table the appeal, giving the appellant another chance, or withdraw the appeal. He said his opinion is if no one shows up they are withdrawing their appeal and can resubmit later if they want to, however, he is open to discussion. Mayor Kingston agreed.

Motion by Mayor Kingston, seconded by Mr. Collin to withdraw appeal 2024-02.

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

Nays: None

MOTION CARRIED

John Ference, 8517 Settlers Passage, asked if the Board could give an overview of what the variance was for this appeal so they can decide if they want to come back next time if they refile. Mr. Rose said they can give an overview of what this appeal was for but if they refile, the Building Department will send out a notice and it is his recommendation that the neighbors contact the Building Department and they will be more than happy to explain or send them the documents that were submitting explain the project. Mr. Rose said in essence, this appeal was to build a house on the property where the garage was a two thirds of the size of the house and requested a shared driveway.

Nancy Ference, 8517 Settlers Passage, asked if they could display the 2 building drawing. Mr. Synek explained this is a conceptual drawing of the same building showing two different sides.

Denise Schier, 6171 Worblers Roost, was concerned about the sidewalk variance. Mr. Rose said it is very common for lots that do not have sidewalks on either side, however, the appeal is not in front of them so he can only assume that is why they are requesting it.

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
FEBRUARY 12, 2024**

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

Absent: Hasman

Others: Building Inspector Synek, 22 guests

APPROVAL OF THE 2023 BOARD OF ZONING APPEALS ANNUAL REPORT

Motion by Mr. Collin, seconded by Ms. Gagliano, to approve the 2023 Board of Zoning Appeals Annual Report.

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

MOTION CARRIED

APPROVAL OF THE REGULAR MEETING MINUTES OF JANUARY 8, 2024

Motion by Ms. Gagliano, seconded by Mr. Collin, to approve the Regular Meeting Minutes of January 8, 2024 Board of Zoning Appeals.

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

MOTION CARRIED

APPROVAL OF THE REGULAR MEETING MINUTES OF DECEMBER 11, 2023

Motion by Mr. Collin, seconded by Ms. Gagliano, to approve the Regular Meeting Minutes of December 11, 2023 Board of Zoning Appeals.

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

MOTION CARRIED

APPEAL 2024-04

Motion by Ms. Gagliano, seconded by Mr. Collin, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.25(d)(2)(C) maximum 240 sq. ft. to allow 412 sq. ft. for the construction of a pool house building located at 6505 Summer Wind Drive, PP#604-10-004.

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

MOTION CARRIED

APPEAL 2024-05

Motion by Mr. Collin, seconded by Ms. Gagliano, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1173.02(a) to allow 8 ft. extension for the construction of an addition on the front of a house on a non-conforming lot located at 8700 Riverview Road, PP#602-14-018.

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

REPORT OF COUNCILMEMBER STUCKY

No Report

REPORT OF MAYOR KINGSTON

No Report

Motion by Mr. Jayjack, seconded by Mr. Collin to close the Regular Meeting at 7:57 p.m.

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