

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
APRIL 10, 2023**

Present: Gagliano, Hasman, Caruso, Hruba, Collin, McCrodden, Rose

Absent: None

Others: Building Inspector Synek, 15 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 2023-15

Mark & Mary Beth Modic 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 1185.02(d) to install a replacement solid board type fence instead of the permitted types of fence located at 4582 Windstream Court, PP# 603-20-068.

Mark Modic spoke to the Board regarding their appeal. He stated thirty three years ago they built their house and as part of that construction they built a fence in the back yard. He said due to age, the fence needs to be replaced. The portion of the fence that faces their back neighbors is a six foot fence. The other two sides are four feet. He said they simply want to replace the current fence with a new fence and keep the six feet in the back and four feet on the sides. He told the Board he spoke to all five neighbors, and the Board is in possession of an affidavit from those neighbors, stating they have no issue.

Mr. Rose asked to confirm the request is for the exact replacement, same location, and same size. Mr. Modic confirmed.

Mr. Hasman said regarding the back portion of the fence on the sides, they are currently six feet and it tapers down to four, he asked if that would remain the same or if it would all be four feet. Mr. Modic responded currently on the west side of the fence there is a long taper, they will not be recreating that. He said the new fence will have a taper of six to four feet over the length of eight inches for aesthetics. He said his neighbor to the east has a six foot fence that runs contiguous to their six foot fence.

Mr. Hasman asked if the materials were going to be the same. Mr. Modic responded yes, northern white cedar. Mr. Hasman mentioned the code does not currently allow for a solid board type fence and asked if a board on board style was considered. Mr. Modic responded no, primarily because they are replacing exactly what is there now.

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

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

APPEAL 2023-16

Keith Grabo for a variance from Section 1185.03(a) maximum fence height of 4 ft., to allow a 6 ft. replacement fence located at 9924 Lookout Drive, PP# 604-03-040.

Keith Grabo spoke to the Board regarding their appeal. He stated they built the fence approximately ten years after they built the house. He said it is deteriorating and they are looking to replace exactly what is there now. He told the Board they have new neighbors that have cleaned the property and he would like to make the fence look nice for them. He told the Board he was planning on hiring Veterans Fence out of North Royalton, they have a nice white cedar fence, and master post system, with a light tan stain. He said that five of his neighbors, including himself, own dogs and like to exercise them in the backyard. The fence helps with keeping the barking down because they cannot see each other. He said some people have kids and everyone has patios and decks and it is nice to have the privacy. He said the neighbors prefer to have the six foot fence for privacy, and the Board has a letter from his neighbors.

Mr. Rose asked to confirm the request is for the exact replacement, same location, and same size. Mr. Grabo confirmed.

Mr. Collin said when he was looking at the property the left end of the fence at the end came to a break, like a walk through. He asked if that was going to be blocked with the new fence or if it was a passage way to neighbors. Mr. Grabo responded it was not intentional, the first fence was preassembled panels of eight foot each.

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

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

APPEAL 2023-17

Kevin Digeronimo for Parcel A-1, for (1) a variance from the Section 1117.09 lots shall be generally rectangular in shape, to allow a non-rectangular lot, and (2) a variance from Section 1151.21(d), requirement that each lot shall abut a dedicated street for a distance not less than 60% of the lot width at the building line, to allow 57%, (3) a variance from the Section 1119.09(d) requirement that public sidewalks be installed to not install public sidewalks until such time as the city deems appropriate, Parcel C, for (1) a variance from the Section 1151.22, minimum lot width of 200 feet to allow 152.79 feet, and (2) a variance from section 1151.22 minimum lot depth of 270 feet to allow 229.18 feet, and (3) a variance from the Section 1151.22, minimum lot area of 60,000 square feet to allow 34,378 square feet, and (4) a variance from the Section 1183.05(a)(1) requirement that two (2) enclosed parking spaces be provided to allow none, and (5) a variance from the Section 1119.09(d) requirement that public sidewalks be installed to not install public sidewalks until such time as the city deems appropriate, for a proposed lot split located at 8524 Wiese Road, PP# 602-09-058.

Josh Decker represented Mr. Digeronimo and spoke to the Board regarding these appeals. He explained to the Board they have been through the Planning Commission process regarding this project. He said they are here in order to establish a separate yard in order to allow for the existing home to be utilized without the garage. He said for those that are familiar with the topography of the land and the ability to add an additional garage and also maintain the house in the manner that it is, as well as keep the historic value of the home where it is and not affect the others was difficult. He said they did their best to balance what was required for variances, and three of the variances really existed prior to the lot split, both sidewalks and the irregular lot. Mr. Decker said those had already been approved, however, going into a lot split, it brings them back into purview.

Mr. Rose said the Board was given the meeting minutes of the Planning Commission meeting, and a few comments were made regarding this. He said one is the garage will be built if the house is ever sold, it is a contingency. He also said someone from the audience had asked if there was any intent to rent it. Mr. Decker said he does not know what to offer other than the statement that no it is not a rental property and there is no intent to have it as a rental property as long as Mr. Digeronimo owns the property.

Mayor Hruby stated, as a comment from the Planning Commission, these variance came to as a result of them working together, and as a best result outcome. He said Mr. Digeronimo is making a large investment to the property and the Planning Commission thought the agreement to build a garage if he decided to sell it would be a good compromise.

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

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

APPEAL 2023-18

Friar Home Improvement for Chris Astey for (1) a variance from Section 1119.09(b) from the minimum required 3 ft. side yard setback to allow a driveway to be 0 ft. from the side property line, and (2) a variance from Section 1197.01 that a minimum of a 27 ft. driveway approach is required for a side entry garage to allow 20 ft. for the construction of a garage addition in the rear of a non-conforming house located at 9420 Knights Way, PP# 603-13-039.

Mike Migelotti of Friar Home representing Chris Astey spoke to the Board regarding this appeal. He said the homeowner's intent is, because they will have three adult drivers, they need to extend their garage out the back to make additional garage and storage space. He said they did not know when they planned the project that there was a non-conforming issue.

Mr. Rose asked Mr. Synek if the current driveway is non-conforming. Mr. Synek confirmed.

Mr. Migelotti stated they had the lot surveyed to try and present the best project. He said they are doing a major addition on the house and doing some grading so with this variance, they can make it work.

Mr. Rose said the City Engineer made the suggestion that 24 ft. would be enough, and asked if there was any way to get to 24 feet. Mr. Migelotti responded no. Mr. Rose asked about the City Engineers suggestion to have additional space to maneuver getting in and out of the spot. Mr. Migelotti responded they were going to go back as far as they were allowed as long as they get the variance approved.

Mr. McCrodden said it is not clear why the additional four feet is required relative to the garage. He said it looks like the depth of the garage in the one drawing is the same as it would normally have been in regards to the Engineer's letter. Mr. Migelotti said the depth is going to stay the same. Mr. McCrodden said he does not understand the need. Mayor Hruby asked if it was a turning radius issue. Mr. Migelotti confirmed.

Mr. Rose asked if there would be a curb. Mr. Migelotti said yes, and they will be doing some landscaping. Mr. Rose asked if they were turning it into a five car garage. Mr. Migelotti confirmed.

Mr. Hasman asked if there will be an extension to the back of the garage and the front. Mr. Migelotti said yes.

Mr. Rose said the drawing says twenty-one feet, nine inches, is at the edge of the current concrete. Mr. Migelotti said the current concrete is a little less than twenty-two feet.

Mr. Collin asked what the neighbors have to say regarding this. Mr. Migelotti said he spoke with the neighbor to the south, north, and neither had an issue.

Mr. McCrodden asked Mr. Synek if the Building Department has taken a specific view based on the Engineer's letter and the width of the driveway. Mr. Synek said they have not. Mr. Synek said the issue is how close it is to the property line and if this Board and City Council approve it, the Building Department issues the permits. Mr. Collin asked if the Building Department approved any plans for this project and have all the permits been issued. Mr. Synek said they have issued a phase approval for the addition on the living space, but have not approved the garage or garage addition yet.

Mr. Rose said it looks like they are adding some paving for the new front of the house garage for the turn in. Mr. Migelotti confirmed.

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

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

APPEAL 2023-19

Tom Castro for (1) a variance from Section 1151.25(d)(1) maximum 660 sq. ft., to allow 1260 sq. ft., and (2) a variance from Section 1181.11(b) 15 ft. maximum building height to allow a 18 ft. height for the construction of a detached garage located at 6866 Farview Road, PP# 601-07-019.

Scott Volners assisted Tom Castro in speaking to the Board regarding this appeal. Mr. Volners stated they are here to request two variances for construction of a detached garage that will be located on the back of Mr. Castro's property. The structure will be approximately 1,260 square feet with a maximum height of 18 feet. He said they provided an additional five foot setback from the property line then what is required. He said there will be a new asphalt driveway going to the structure. He told the Board the property drops down so the visibility from the road is limited and there is screening from the neighboring properties by trees.

Mr. Rose asked about the upper area of the structure. Mr. Volners said there will be a loft area for storage only. Mr. Rose asked if this was to replace an existing structure. Mr. Castro said yes, there is an existing structure that is dilapidated and falling down.

Mr. Hasman said the height is going to be 18 feet to the center, and asked how tall the ultimate structure will be to the ridgeline. Mr. Volners responded twenty four feet. Mr. Hasman asked how that compares to the existing house. Mr. Volners said the property drops down so it is lower.

Mr. Hasman asked them to reiterate what the hardship is. Mr. Castro said he is going to be storing a vehicle back there, a tractor and landscaping equipment that would take up more room than 660 square feet.

Mr. Hasman asked what the neighbors think. Mr. Castro said he spoke to both neighbors and they seem to be agreeable, and told the Board they were in the audience.

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 2023-20

Santina Sgro & Rich Seminsky for a variance from Section 1151.25(d)(2)(C) maximum 240 sq. ft. to allow 400 sq. ft. for a pool house located at 6508 Summer Wind Dr., PP# 604-11-018.

Rich Seminsky and his father-in-law and contractor, Nick Mahala, spoke to the Board regarding their appeal. Mr. Seminsky said they are asking for a 400 square foot pool house so they can store pool equipment inside of the structure and not be an eyesore for the neighbors. He said he spoke to ten of the twelve neighbors and have signatures of approval. HE said the HOA signed off as well as long as the aesthetics are the same as the homes being built.

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

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

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
APRIL 10, 2023**

Present: Gagliano, Caruso, Hasman, Hruba, Collin, McCrodden, Rose

Absent: None

Others: Building Inspector Synek, 15 guests

APPROVAL OF THE REGULAR MEETING MINUTES OF MARCH 13, 2023

Motion by Mayor Hruba, seconded by Mr. Collin, to approve the Regular Meeting minutes of March 13, 2023, as recorded.

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

MOTION CARRIED

APPEAL 2023-15

Motion by Mayor Hruba, seconded by Mr. Caruso, 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 1185.02(d) to install a replacement solid board type fence instead of the permitted types of fence located at 4582 Windstream Court, PP# 603-20-068.

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

MOTION CARRIED

APPEAL 2023-16

Motion by Mr. Hasman, seconded by Ms. Gagliano, 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 a 6 ft. replacement fence located at 9924 Lookout Drive, PP# 604-03-040.

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

MOTION CARRIED

APPEAL 2023-17

Motion by Mr. McCrodden, seconded by Mr. Collin, that the Board of Zoning Appeals recommend to City Council approval for Parcel A-1, for (1) a variance from the Section 1117.09 lots shall be generally rectangular in shape, to allow a non-rectangular lot, and (2) a variance from Section 1151.21(d), requirement that each lot shall abut a dedicated street for a distance not less than 60% of the lot width at the building line, to allow 57%, (3) a variance from the Section 1119.09(d) requirement that public sidewalks be installed to not install public sidewalks until such

time as the city deems appropriate, Parcel C, for (1) a variance from the Section 1151.22, minimum lot width of 200 feet to allow 152.79 feet, and (2) a variance from section 1151.22 minimum lot depth of 270 feet to allow 229.18 feet, and (3) a variance from the Section 1151.22, minimum lot area of 60,000 square feet to allow 34,378 square feet, and (4) a variance from the Section 1183.05(a)(1) requirement that two (2) enclosed parking spaces be provided to allow none, and (5) a variance from the Section 1119.09(d) requirement that public sidewalks be installed to not install public sidewalks until such time as the city deems appropriate, for a proposed lot split located at 8524 Wiese Road, PP# 602-09-058.

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

MOTION CARRIED

APPEAL 2023-18

Mr. McCrodden said before they vote on the next appeal, he wanted to state he is very uncomfortable overriding the City Engineer's points in his letter dated March 23. He said he does not believe it is appropriate to do that in this forum. He said there should be some discussion between the City Engineer, the homeowner, and the homeowner's architect before they move forward with a variance in hopes there could be some sort of resolution of the differences. Mr. Rose said it is his understanding that there is no reconciliation for this and twenty-four feet does not exist. Mr. McCrodden said maybe they should discuss changing the project. Mr. Rose said if the Board does not pass the variance then they would have to change the project.

Motion by Mayor Hruby, seconded by Ms. Gagliano, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1119.09(b) from the minimum required 3 ft. side yard setback to allow a driveway to be 0 ft. from the side property line, and (2) a variance from Section 1197.01 that a minimum of a 27 ft. driveway approach is required for a side entry garage to allow 20 ft. for the construction of a garage addition in the rear of a non-conforming house located at 9420 Knights Way, PP# 603-13-039.

ROLL CALL: Ayes: Caruso, Gagliano, Hasman, Hruby, Rose
Nays: Collin, McCrodden

MOTION CARRIED

APPEAL 2023-19

Motion by Mr. Caruso, 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 1260 sq. ft., and (2) a variance from Section 1181.11(b) 15 ft. maximum building height to allow a 18 ft. height for the construction of a detached garage located at 6866 Farview Road, PP# 601-07-019.

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

MOTION CARRIED

APPEAL 2023-20

Motion by Mr. Collin, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.25(d)(2)(C) maximum 240 sq. ft. to allow 400 sq. ft. for a pool house located at 6508 Summer Wind Dr., PP# 604-11-018.

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

MOTION CARRIED

REPORT OF COUNCILMEMBER CARUSO

No Report

REPORT OF MAYOR HRUBY

No Report

Motion by Mr. McCrodden, seconded by Mayor Hruby to close the Regular Meeting at 8:18 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