

**MINUTES OF PUBLIC HEARINGS  
BRECKSVILLE BOARD OF ZONING APPEALS  
Community Room – Brecksville City Hall  
September 10, 2018**

Present: Roberts, Hall, Hasman, Hruby, Kingston, McCrodden, Rose

Absent: None

Others: Building Inspector Synek, 18 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 2018-36**

The Great Garage Company for Sharon Wilhelm for a variance from Section 1151.25(d)(1) of 108 sq. ft. from the maximum 660 sq. ft. to allow 768 sq. ft. for the construction of a detached garage located at 6930 Wallings Road, PP# 601-07-004.

John D’Amico, The Great Garage Company, spoke to the Board regarding Sharon Wilhelm’s appeal. Mr. D’Amico stated that they are proposing to tear down the existing garage on the property and build a new 32x24 garage. It will be located in the same footprint as the existing garage now, and will be smaller. The new structure will be 768 sq. ft., which is larger than what the code allows, but it is height compliant. The garage will have vinyl siding and roofing to match her house. Mr. D’Amico stated that if anyone had visited the site, they will have noticed that the new structure will be quite an improvement from what was there now.

Mr. McCrodden asked Mr. D’Amico, to the left side of the existing garage, it appeared that there might be a shed next to, or part of it, and asked if that would be torn down as well. Mr. D’Amico stated that it will all be coming down.

Mr. Rose opened up questions to the audience, there were none.

Motion by Mayor Hruby, seconded by Mr. McCrodden to close Public Hearing.

**MOTION CARRIED**

**APPEAL 2018-37**

Jeffrey and Jennifer Zabkar for (1) a variance from Section 1151.24, a 30 ft. minimum total of two side yards required to allow 20.38 ft., 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 9540 Highland Drive, PP# 603-14-018.

Mr. and Mrs. Zabkar spoke to the Board regarding their appeal. Mrs. Zabkar stated that they had purchased the house on this lot, and planned to tear down the old house and build a new structure on it. They wanted to ask for the variance before they tore the old house down, but it was in such bad shape they went ahead with it immediately. Mrs. Zabkar stated that the lot is very narrow, as many of the lots that are there now. She stated that in order to build a traditional looking house that would fit in with the surrounding neighborhood, they felt the house had to be a minimum of 38 ft. wide, and that is why they needed a variance. If they met the setbacks, they felt it would look more like a modern home and would not fit in with the neighborhood.

Mr. Rose clarified with Mr. Synek, that the house next door did not meet the setbacks either. Mr. Synek stated that was correct. Mrs. Zabkar stated that the house on the lot that they tore down, also did not meet the setbacks.

Mr. Rose opened up questions to the audience, there were none.

Motion by Mr. Roberts, seconded by Mr. Hall to close Public Hearing.

**MOTION CARRIED**

**APPEAL 2018-38**

Jeffrey and Jennifer Zabkar for 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 10279 Highland Drive, PP# 604-21-014.

Mr. Rose stated that their hardship is that no one else there had sidewalks. Mrs. Zabkar stated that was correct.

Mr. Rose opened up questions to the audience, there were none.

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

**MOTION CARRIED**

**APPEAL 2018-39**

David & Cheryl Storgard for a variance from Section 1151.24 of 10 ft. from the minimum required 60 ft. rear yard setback to allow 50 ft. for the construction of a deck located at 9456 Sherwood Trail, PP# 603-13-055.

Mr. and Mrs. Storgard spoke to the Board regarding their appeal. Mr. Storgard explained that they are proposing to install two decks, an upper deck and a lower level deck. The lower level deck required the variance. Mr. Storgard stated that they need a minimum of a 60 ft. rear yard setback, and they would only have 50 ft. Mr. Storgard explained that their hardship was because of the stairs going down from the upper level to the lower level, and it encroaching into the setback. They would have to move the stairs somewhere on the right side, and it would probably be underneath their bedroom window, and they would possibly have to take out some shrubs, and that is why they are

asking for a variance of 10 ft. Mrs. Storgard added that the lower deck is only 1 ft. off the ground.

Mr. Rose opened up questions to the audience, there were none.

Motion by Mr. Hasman, seconded by Mayor Hruby to close Public Hearing.

**MOTION CARRIED**

**APPEAL 2018-40**

Thomas Frisco for a variance from Section 1151.26(7) of 3 ft. from the minimum required 3 ft. lot line setback to 0 ft. setback for a driveway, and per Section 1197.01, to appeal the determination of the City Engineer of The City of Brecksville that a minimum of a 24 ft. driveway approach is required for a side entry garage to allow 20 ft. located at 9106 Fitzwater Road, PP# 601-10-002.

Tom Frisco spoke to the Board regarding his appeal. Mr. Frisco explained his project, showing pictures on the overhead screen. He explained that they would need an additional 8 ft. of concrete for the garage, which would put them right up against the property line. Mr. Frisco stated that their bordering neighbor sent in a letter stated they were fine with the project, Stephen & Jessica Czekalinski, 9206 Fitzwater Road. He went on to explain that their home is set on an angle which made it more difficult to build the addition to code. The garage addition will be used for additional storage, and motorcycles. Mr. Frisco stated that his wife can get in the garage now with a larger vehicle without going on to the grass.

Mr. Rose asked Mr. Frisco to address the City Engineer's review stating that 20 ft. wasn't adequate enough to get out of the garage without going onto his neighbor's property. Mr. Rose had also brought up to Mr. Frisco that what if his neighbor decided to install a fence, or even if a subsequent neighbor wanted to install something else there later on, how would he address that. Mr. Frisco stated that currently there is a buffer which is a mulch bed, and when they go in and out of the garage now, they do not hang over at all. Mr. Frisco stated that the mulch bed it is partially on his property as well. They also have a turnaround in the front of the yard, and they normally back out of the garage down the driveway to the turnaround. Mr. Rose stated that the City Engineer's concern, as well as his, is that his neighbor now is fine with it, but later on it could be a different neighbor, and they install a fence, not a mulch bed, and they only have 20 ft. there. Mr. Rose stated that he couldn't judge how easy or hard it would be to back out there, but it was a concern. Mr. Frisco explained that they have large vehicles, and they do not back on to his neighbor's property now.

Mr. McCrodden, asked Mr. Frisco where the property line was compared to the line of pine trees that were there. Mr. Frisco stated the trees are right on the property line. Mr. McCrodden asked Mr. Frisco if he had considered building the garage addition in the front of the house rather than the back side. Mr. Frisco stated that they did not consider that because of the walkways and electric that runs there. Mr. Rose confirmed with Mr.

Frisco that more demolition would have to be considered to do it in the front. Mr. Frisco stated that was correct.

Mr. Hasman commented that in reviewing the City Engineer's response to this appeal, and installing the driveway right on the property line, it wouldn't allow for a swale or for any drainage features in the future. He asked Mr. Frisco if there was any water problems between the two homes currently. Mr. Frisco stated that there was not.

Mayor Hruby asked if the 0 ft. lot line is throughout the property or just at the edge. Mr. Frisco stated that it is just at the edge. Mayor Hruby asked Mr. Frisco if he had any problem with the setback as far as any maintenance is concerned, i.e., snow removal. The Mayor went on to explain that he might not have an issue now because he has a good relationship with his neighbor, but if someone else moved in, it could be a different situation. Mr. Frisco stated that they typically plow the snow to the backyard, or sometimes out. Mayor Hruby clarified with Mr. Frisco that he understood his point regarding issues with lot lines and neighbors. Mr. Frisco stated that he understood.

Mr. Rose asked if a survey of the property had been done. Mr. Frisco stated that there are existing metal pipes that have been there for years.

Mr. Rose opened up questions to the audience, there were none.

Motion by Ms. Roberts, seconded by Mr. Kingston to close Public Hearing.

**MOTION CARRIED**

**APPEAL 2018-41**

Geis Construction for a variance from Section 1155.32 of 20 ft. from the minimum established 100 ft. to allow a 80 ft. rear yard setback for a commercial addition located at 7001 S. Edgerton Road, PP# 604-07-010.

Rene Hernandez, Geis Construction, spoke to the Board regarding their appeal. Mr. Hernandez stated that they are working on a two story expansion, approximately 25,000 sq. ft. with an underground parking garage. On the existing drawings, there is an a 100 ft. setback line on the north and the west side of the site. In having discussions, they were not sure where that 100 ft. setback came from, because the property adjacent to it is part of ODOT, and Interstate 77. Mr. Hernandez stated that their request is for a 20 ft. variance to bring the 100 ft. setback to 80 ft.

Mr. Rose stated that their only neighbor there is the highway. Mr. Hernandez stated that was correct, and there is also wetlands there. Mr. Rose asked if it was just the corner that did not meet the setback. Mr. Hernandez stated yes, it would keep with the aesthetics of the building. Mr. Rose asked that no other variances would be needed. Mr. Hernandez stated that was correct.

Mayor Hruby explained that when Geis Construction came in front of the Planning Commission, the Board felt somewhat responsible for the request for this variance

tonight, as they asked them when they originally built the building, that they move it as far away as possible from the Grand Bay development. They have moved it as far as they could, knowing that at some point, they may extend the building. If the Board allowed them to place the building where they wanted to originally, they would not have needed this variance.

Mr. Rose opened up questions to the audience, there were none.

Motion by Mr. McCrodden seconded by Mr. Hasman to close Public Hearing.

**MOTION CARRIED**

**APPEAL 2018-42**

Megan Soeder for a variance from Section 1151.25(d)(2)(B) of 128 sq. ft. from the maximum 192. sq. ft. to allow 320 sq. for a shed located at 4700 Valleybrook Drive, PP# 604-02-083.

Dennis Diller spoke to the Board in the owner's absence. Mr. Diller explained that they are looking to build a shed and need a variance to make it larger. They sit on approximately 3 acres of land, and subsequently have upgraded all their equipment, i.e. lawnmower, snow blower and children's play equipment, and that is why they need the variance.

Mr. Rose clarified that their hardship is the size of the land and the equipment that is necessary to maintain it. Mr. Diller stated that was correct, and went on to say that the shed will match the aesthetics of the house.

Mr. Rose opened up questions to the audience.

Russ Raimer, 4741 Sweetwater Drive. He wanted clarification on the location and the size and height of the shed. Mr. Diller showed him on the overhead screen. Mr. Raimer stated that there had been a major ditch in the rear which they subsequently filled in and added piping to take the water flow from the turnpike to the north. He was wondering what they were going to do if they installed the shed over that drainage piping. Mr. Diller stated that the building is approximately 10 ft. away from it. Mr. Raimer wanted to know what side of the shed would face the Sweetwater Drive side. Mr. Diller stated that it will be the straight wall of the shed. He wanted to know if there would be any landscaping surrounding it. Mr. Diller stated that they will eventually put some shrubs there.

Kathy Abood, 4611 Sweetwater Drive, wanted to know what side the entrance of the shed would face. Mr. Diller stated that the entrance would face Valleybrook Drive side, facing the turnpike.

Motion by Mr. Hasman seconded by Mr. McCrodden to close Public Hearing.

**MOTION CARRIED**

### APPEAL 2018-43

Joanna Sokolowski for a variance from Section 1185.03(a) of 2 ft. from the maximum 4 ft. fence height to allow a 6 ft. fence located at 6939 Farview Road, PP# 601-07-038.

Joanna Sokolowski spoke to the Board regarding her appeal. She explained that she is requesting a fence which will start out at 4 ft. high and would run approximately 100 ft. and then would be raised up to a 6 ft. fence toward the back of the property. The fencing would not encompass her entire lot. She stated that she had a stream in the rear of her property, and it would stop approximately 200 ft. in front of that stream. The reason they are requesting the 6 ft. section, is because a lot of animals come to drink off the steam, and in the year and a half that she has lived there, she has found numerous amounts of bones, dead baby deer and coyote. Ms. Sokolowski stated that she wanted to install the fence for safety reasons to keep the animals out from her living area. She will install a 4 ft. fence for aesthetics where her neighbors are. Ms. Sokolowski stated that she had spoken with both her adjacent neighbors and they are fine with the 6 ft. fence, Derhymere Cole, 6955 Farview Road, and Ignacy Gorka, 6935 Farview Road.

Mr. Rose clarified with Ms. Sokolowski that she is proposing to install a chain link all the way around the property. Ms. Sokolowski stated that was correct, unless the Board preferred a different fencing. Mr. Rose asked if she was sure the 4 ft. fence would not accomplish what she wanted to do. Ms. Sokolowski stated that in her research, it was more difficult to jump a 6 ft. fence than a 4 ft. fence. Mr. Rose asked if she was finding dead baby deer and bones close to her house. Ms. Sokolowski stated that she has seen baby deer with their mother close to the house, and because they are not fearful of people, she can't let her kids play on their playground. She felt that with a taller fence it would deter the deer from coming back there, and she won't have to worry about her kids as much. Mr. Rose stated that a dog would help that situation. Ms. Sokolowski stated that they do have a dog.

Ms. Roberts stated that her property would be the solo fence barrier. Ms. Roberts explained that her understanding is that deer get a running start, and without the perception of a second barrier they will leap over 6 ft. Ms. Sokolowski stated that she is not opposed to putting up a more closed fence where they can't see beyond it. Ms. Roberts stated that there has been a lot of research done on this, and if deer have the perception they can clear it, they will clear 6 ft.

Mr. Hasman clarified that the 6 ft. section of fencing is just across the back of the property. Ms. Sokolowski stated that part of the 6 ft. fencing it is on the sides as well, There is also a massive amount of trees on the side, and showed him on the overhead screen.

Mr. Rose commented that he was struggling with the 4 ft. vs. 6 ft. fence on her property. It seemed as though deer could just jump over the 4 ft. and be inside the fence. Ms. Sokolowski stated that the deer are further back, and commented that since she has lived there she has never seen deer closer to the house, they are usually in the back closer to the stream.

Mr. Rose opened up questions to the audience.

Andy Malley, 8066 Brecksville Road. His property abuts Ms. Sokolowski's in the rear. He asked for clarification on the location of the fence. She showed him on the overhead screen. He stated he had no objection to the 6 ft. fence, but felt she was wasting her money because the deer are everywhere. Ms. Sokolowski stated that it will give her peace of mind with all the animals in the rear of her yard. Mr. Malley also wanted to know if she obtained a survey. Ms. Sokolowski stated that she did.

Motion by Mr. Roberts, seconded by Mr. Hall to close Public Hearing.

**MOTION CARRIED**

**MINUTES OF REGULAR MEETING  
BRECKSVILLE BOARD OF ZONING APPEALS  
Community Room – Brecksville City Hall  
September 10, 2018**

Present: Roberts, Hall, Hasman, Hruby, Kingston, McCrodden, Rose

Absent: None

Others: Building Inspector Synek, 18 guests

**APPROVAL OF THE REGULAR MEETING MINUTES OF AUGUST 13, 2018**

Motion by Mr. McCrodden, seconded by Mr. Hasman, to approve the Regular Meeting Minutes of August 13, 2018, as recorded.

ROLL CALL: Ayes: Roberts, Hall, Hasman, Hruby, Kingston, McCrodden,  
Rose

Nays: None

**MOTION CARRIED**

**APPEAL 2018-36**

Motion by Mayor Hruby, seconded by Mr. Hall, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.25(d)(1) of 108 sq. ft. from the maximum 660 sq. ft. to allow 768 sq. ft. for the construction of a detached garage located at 6930 Wallings Road, PP# 601-07-004.

ROLL CALL: Ayes: Hasman, Hruby, Kingston, McCrodden, Roberts, Hall,  
Rose

Nays: None

**MOTION CARRIED**

**APPEAL 2018-37**

Motion by Mr. McCrodden, seconded by Mr. Kingston, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1151.24, a 30 ft. minimum total of two side yards required to allow 20.38 ft., 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 9540 Highland Drive, PP# 603-14-018.

ROLL CALL: Ayes: Kingston, McCrodden, Roberts, Hall, Hasman, Hruby  
Rose

Nays: None

**MOTION CARRIED**

**APPEAL 2018-38**

Motion by Mr. Hall, seconded by Ms. Roberts, that the Board of Zoning Appeals recommend to City Council approval for 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 10279 Highland Drive, PP# 604-21-014.

ROLL CALL: Ayes: Hall, Hasman, Hruby, Kingston, McCrodden, Roberts  
Rose

Nays: None

**MOTION CARRIED**

**APPEAL 2018-39**

Motion by Ms. Roberts, seconded by Mayor Hruby, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 of 10 ft. from the minimum required 60 ft. rear yard setback to allow 50 ft. for the construction of a deck located at 9456 Sherwood Trail, PP# 603-13-055.

ROLL CALL: Ayes: McCrodden, Roberts, Hall, Hasman, Hruby, Kingston,  
Rose

Nays: None

**MOTION CARRIED**

**APPEAL 2018-40**

Motion by Mr. Hasman, seconded by Mayor Hruby, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.26(7) of 3 ft. from the minimum required 3 ft. lot line setback to 0 ft. setback for a driveway, and per Section 1197.01, to appeal the determination of the City Engineer of The City of Brecksville that a minimum of a 24 ft. driveway approach is required for a side entry garage to allow 20 ft. located at 9106 Fitzwater Road, PP# 601-10-002.

ROLL CALL: Ayes: Roberts, Hasman, Hruby, Kingston, Rose

Nays: Hall, McCrodden

**MOTION CARRIED**

**APPEAL 2018-41**

Motion by Ms. Roberts, seconded by Mr. Kingston, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1155.32 of 20 ft. from the minimum established 100 ft. to allow a 80 ft. rear yard setback for a commercial addition located at 7001 S. Edgerton Road, PP# 604-07-010.

ROLL CALL: Ayes: Hruby, Kingston, McCrodden, Roberts, Hall, Hasman,  
Rose

Nays: None

**MOTION CARRIED**

**APPEAL 2018-42**

Motion by Mayor Hruby, seconded by Mr. Hasman, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.25(d)(2)(B) of 128 sq. ft. from the maximum 192. sq. ft. to allow 320 sq. for a shed located at 4700 Valleybrook Drive, PP# 604-02-083.

ROLL CALL: Ayes: Hasman, Hruby, Kingston, McCrodden, Roberts, Hall,  
Rose

Nays: None

**MOTION CARRIED**

**APPEAL 2018-43**

Motion by Mr. McCrodden, seconded by Mr. Hall, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1185.03(a) of 2 ft. from the maximum 4 ft. fence height to allow a 6 ft. fence located at 6939 Farview Road, PP# 601-07-038.

ROLL CALL: Ayes: Kingston, Hasman, Hruby

Nays: McCrodden, Roberts, Hall, Rose

**MOTION DENIED**

**REPORT OF COUNCILMEMBER ROSE**

Mr. Rose stated that City Council approved all the appeals from the August 13, 2018, Board of Zoning meeting.

**REPORT OF MAYOR HRUBY**

Mayor Hruby reported that tomorrow evening, September 11, 2018, in Council Chambers, there will be a public hearing for the Master Plan for The City of Brecksville. Cuyahoga County will be conducting the public hearing. The public is invited to come and give their input as to the future planning of the City.

Motion by Mr. McCrodden, seconded by Mr. Hasman to close the Regular Meeting at 8:19 p.m. **MOTION CARRIED**

**THE BRECKSVILLE BOARD OF ZONING APPEALS**

**DENNIS ROSE, CHAIRMAN**

**KATHLEEN ROBERTS, VICE CHAIRMAN**

**BRUCE MCCRODDEN, SECRETARY**

Public Hearing and Regular Meeting recorded by Gina Zdanowicz