

**MINUTES OF PUBLIC HEARINGS  
BRECKSVILLE BOARD OF ZONING APPEALS  
Community Room – Brecksville City Hall  
August 12, 2019**

Present: Roberts, Hasman, McCrodden, Kingston, Rose

Absent: Mayor Hruby

Others: Building Inspector Synek, 4 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 2019-24**

James Todt for (1) a variance from Section 1117.09 requiring that a lot design generally be rectangular to allow the creation of two irregularly shaped lots, and (2) a variance from Section 1151.22 minimum lot width 175 ft. required, to allow 151.2 ft. and 146.3 ft, and (3) a variance from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate on Parcel B, for a lot split located at 10193 Barr Road, PP# 604-14-012.

Katie Onders spoke on behalf of James Todt regarding his variance. Mr. Rose asked Ms. Onders if she had something in writing from Mr. Todt allowing her to speak in his behalf. Ms. Onders stated that she had, and the Building Department had a copy of it.

Ms. Onders explained to the Board that a variance was requested to split the existing lot, which is irregular in shape, to be split into two irregular shaped lots, with lot widths of 151.2 ft. and 146.3 ft. There are multiple neighboring lots in existence, with varying widths of 76 ft. to 100 ft. Ms. Onders stated that the house was code compliant back when the homes were built. The new lot will conform to the existing conditions of the neighborhood, and stated that building a new home on the lot would be its best use. The lot split was approved by the Planning Commission and City Council, with the consideration that the variances be approved with the Board of Zoning Appeals tonight.

Mr. Rose stated that he was aware that Council approved the deviations, subject to tonight's process. He explained that the Board received the minutes, and they were fairly clear. Mr. Rose asked if Parcel B was currently under contract. Ms. Onders stated that it was not. Mr. Rose explained, that at times, with irregular shaped lots, they end up coming back to the Board for additional variances. The Board creates the exception, and then it creates additional requests for variances. Mr. Rose asked if Ms. Onders was able to speak to, whether the home would be similar to the home that was existing there now.

Ms. Onders stated that her understanding, was to sell the current home, and that potentially, once the owner moved back here, the thought was to build a new home on the other lot, something that would fit within that lot.

Ms. Roberts asked for clarification on what will be on Parcel A. Ms. Onders stated that Parcel A is where the current home sits. Parcel B will be an empty lot, until such time that they build there, she didn't think their plans were immediate. Ms. Roberts asked if they presented any other plans for the empty lot. Ms. Onders stated, not that she was aware of. Ms. Roberts asked Ms. Onders is she was in the position to answer that. Ms. Onders stated that she didn't know of anything different. Mr. Rose asked Mr. Synek if any plans were submitted for the other lot. Mr. Synek stated that he was not aware of anything being submitted at this time. Ms. Roberts asked what was presented to the Planning Commission. Mr. Synek stated that there may have been a proposal on the parcel with the house on it, where there is an easement thru the existing lot with the existing house, for a future sanitary line for the development in the rear. Mr. Rose asked if there is already an easement on Parcel A. Mr. Synek stated that there is a proposed project going before the Planning Commission, and that is one of the routes that has been discussed for the development of the large parcel in the back. In order to install sewers there, they have some sort of an agreement to run a sewer line next to the existing house up to Barr Road. Nothing has been approved as of yet, the Planning Commission meeting was cancelled until the end of this month. Mr. Rose clarified with Mr. Synek, if it was fair to say that it is on Parcel A, and has nothing to do with this lot split. Mr. Synek stated that he agreed.

Mr. Kingston made the comment, that when he looked at the drawing, it looked as though the new property line proposal looked very close to the existing house that is on Parcel A. He asked what the measurement was, and if there would be any needed variances in the future. Mr. Synek explained it to Mr. Kingston on the overhead screen, and stated that it meets the current requirement for the setbacks. Mr. Rose clarified with Mr. Synek, that it meets the other setback line on the other Parcel. Mr. Synek stated that was correct.

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

Motion by Mr. McCrodden, seconded by Mr. Kingston to close Public Hearing.

**MOTION CARRIED**

**APPEAL 2019-25**

Deborah Riczo for Alexandra Riczo for a variance from Section 1185.03(a) of .5 ft. from the maximum 4 ft. fence height to allow 4.5 ft. located at 8054 Farview Oval, PP# 601-06-037.

Before the appellant spoke, Mr. Rose stated that he will recuse himself from the vote as well as any questioning, since he was a neighbor. He let Mr. Hasman conduct the questioning for this appeal.

Alexandra Riczo spoke to the Board regarding her variance. She stated that when she moved into the home, the backyard had quite a few trees on her property as well as her neighbor's property. Her neighbor built a large house and cut most of the trees down. The trees were a great barrier, and now that they are not there, she can see directly into her neighbor's house and they can see into hers. When they pull in their driveways, their headlights shine into each other's houses. There is a no barrier now at all, the trees made a huge difference. Ms. Riczo stated that she has a very steep grade all the way thru her lot, there is a 20 ft. drop corner to corner, and because of the grade, if you were to install a 4 ft. fence, you could see right over it, and it would not help much in terms of privacy. She felt a taller fence would help. She stated that she also has two dogs, and felt that it was worth mentioning, because the fence would help with that as well, since she has a young daughter.

Mr. Hasman asked if the 4.5 ft. would extend throughout the perimeter of the fence, not just in the rear. Ms. Riczo stated that is correct. She explained that she had spoken to her neighbors, and they were very supportive of it, they understood the situation, and got their approval. Mr. Hasman stated that the perimeter of the fence won't extend to her property lines, and wanted her to know that she would be responsible for maintaining the entire property beyond the borders of the fence. Ms. Riczo stated that she knew, it was possible that they might install a gate with a lock to be able to access the shed that would not be included in the fenced-in area. Mr. Hasman clarified that she spoke with her neighbors on both sides and in the rear regarding the fence. Ms. Riczo stated that she did not talk with the neighbor in the rear, but she assumed that he received a notice. Mr. McCrodden stated that he was on the list.

Mr. Kingston asked how close her proposed fence would be with the existing fence that her neighbor has. Ms. Riczo stated that it would be far, it would not be back to back, it would be coming off of her garage to the back part of her property and around to the side of the house. Mr. Kingston asked if it was a preference in the choice of fence that happened to be 54 inches, as opposed to the 48 inch fence that would not need a variance. Ms. Riczo stated that she would have preferred a taller fence, but knew that it would probably not be granted, and a 4 ft. fence would definitely be too low. She felt a slightly taller fence would help.

Ms. Roberts asked for clarification on which house on Wallings removed the trees, and if it was 6600 Wallings Road. Mr. Synek stated that the Building Department is dealing with a complaint about tree clearing on 6608 Wallings Road, the vacant lot. Someone cleared trees without approval.

Mr. Rose stated that the appeal for a gate in the front yard that came before the Board, is the neighbor she is talking about.

Mr. Hasman stated that if it was a 4 ft. fence, the Board would not even be having this discussion, so an additional 6 inches, with the sloping of her property, seemed to make sense.

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

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

**MOTION CARRIED**

**MINUTES OF REGULAR MEETING  
BRECKSVILLE BOARD OF ZONING APPEALS  
Community Room – Brecksville City Hall  
August 12, 2019**

Present: Roberts, Hasman, McCrodden, Kingston, Rose

Absent: Mayor Hruby

Others: Building Inspector Synek, 4 guests

**APPROVAL OF THE REGULAR MEETING MINUTES OF JUNE 10, 2019**

Motion by Mr. Rose, seconded by Mr. Hasman to approve the Regular Meeting Minutes of June 10, 2019, as recorded.

ROLL CALL: Ayes: Roberts, Hasman, Kingston, McCrodden, Rose  
Nays: None

**MOTION CARRIED**

**Ms. Roberts stated that she will be recusing herself from the vote on Appeal 2019-24. Mr. Rose also stated, as he did in the beginning of the meeting, there are only five people voting this evening, and with Ms. Roberts abstaining, as well as himself, there will be only 4 people voting on each appeal. He went on to explain that they have an opportunity to wait and table the vote until the next meeting when the Mayor will be back, and there will be five people voting. Both appellants decided to go ahead with the vote.**

**They changed the order of the vote, while the appellant for 2019-24 decided whether she would go forward with the vote.**

**APPEAL 2019-25**

Motion by Ms. Roberts, seconded by Mr. Hasman, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1185.03(a) of .5 ft. from the maximum 4 ft. fence height to allow 4.5 ft. located at 8054 Farview Oval, PP# 601-06-037.

ROLL CALL: Ayes: Hasman, Kingston, McCrodden, Roberts  
Nays: None  
Abstain: Rose

**MOTION CARRIED**

**APPEAL 2019-24**

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 1117.09 requiring

that a lot design generally be rectangular to allow the creation of two irregularly shaped lots, and (2) a variance from Section 1151.22 minimum lot width 175 ft. required, to allow 151.2 ft. and 146.3 ft, and (3) a variance from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate on Parcel B, for a lot split located at 10193 Barr Road, PP# 604-14-012.

ROLL CALL: Ayes: Kingston, McCrodden, Hasman, Rose  
Nays: None  
Abstain: Roberts  
**MOTION CARRIED**

**REPORT OF COUNCILMEMBER ROSE**

Mr. Rose reported that there is a citizens group that has been appointed to deal with the Central School and also Valor Acres. The first meeting will be held on August 22, 2019, at City Hall in the City Council room, and is a public meeting.

**REPORT OF MAYOR HRUBY**

The Mayor was not in attendance.

Motion by Mr. Hasman, seconded by Ms. Roberts, to close the Regular Meeting at 8:04 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