

**MINUTES OF PUBLIC HEARINGS  
BRECKSVILLE BOARD OF ZONING APPEALS  
Community Room – Brecksville City Hall  
September 9, 2019**

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

Absent: None

Others: Building Inspector Synek, 17 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 2019-26**

Dean Asimes, 9054 Highland, LLC., for (1) a variance from Section 1117.09 requiring that lot design be generally rectangular to allow the creation of two irregularly shaped lots, and (2) a variance from Section 1151.22 of 54.3 ft. from the minimum required lot width of 200 ft. to allow 145.7 ft, Parcel B, and (3) a variance from Section 1181.11(a) maximum roof area over 30 ft. is limited to 25% of ground floor to allow 45% for the construction of a new house on Parcel B, and (4) 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 on Parcel B, located at 9054 Highland Dr. PP# 601-32-002, and 9060 Highland Dr. PP# 601-32-017.

Dean Asimes spoke to the Board regarding his appeal. He explained that they have been to the Planning Commission for the lot split and consolidation, and tried to comply with their wishes by creating two rectangular lots, which were originally two flag shaped lots. They purchased both properties and explained that he intends to build his house on the lot to the south. Mr. Asimes explained the location of the two lots on the overhead screen. The width variance is due to trying to create the rectangular shape lot, and the depth was due to trying to have gravity sewers to the sanitary sewer on Highland Drive, as well as having a visible area within the challenging topography on that site. The topography scales back to a ravine on the property and back towards Rt. 82. Mr. Asimes went on to explain the sidewalk variance, stating that it was needed because there are no sidewalks along Highland Drive. The height of house, is because of the topography, and the walkout basement. The area of the roof is 45%, which is above the 30 ft. allowable height, 25% is allowed by code. He explained on the overhead screen, the areas of the roof that did and did not comply with code. Mr. Asimes stated that the back of the house will face the wooded ravine, there are no structures behind the house.

Mr. Rose asked Mr. Asimes what the square footage of the house will be. Mr. Asimes stated that it will be approximately 2800 sq. ft. Mr. Rose stated that it is an interesting design. Mr. Asimes stated that it will be designed to look like a barn that would have

been there with the original farmhouse at 9054 Highland Drive. The look they are trying to achieve is a barn that was renovated into a house. Mr. Rose clarified that the reason for the irregular shaped lots was because of the existing house that is there now. Mr. Asimes stated that was correct along with the driveway for 9054, they tried to get as close to the existing driveway as they could. Mr. Rose asked Mr. Synek if it was the setback and the terrain that was causing the variance. Mr. Synek stated that was correct, it is the terrain.

Mr. Rose clarified with Mayor Hruby that the Planning Commission and the City Engineer signed off on the plan. Mayor Hruby stated that was correct.

Mr. Kingston asked Mr. Asimes if he was installing a new driveway or would they be sharing the existing driveway. Mr. Asimes stated that they will have a new driveway, and showed him on the overhead screen where it will be located.

Mr. Rose clarified with Mr. Synek that the new house and the existing homes meet the existing setback requirements. Mr. Synek stated that was correct.

Mayor Hruby asked if he was building the new house for himself or his daughter. Mr. Asimes stated that he was building the new house for himself, his daughter and her husband will live in the existing house. Mayor Hruby asked what his intentions were for the carriage house. Mr. Asimes stated that they had a tenant in the carriage house, and she has since left. This will be their family compound, and they will keep it as a guest house.

Mr. Rose asked if he had spoken with his neighbors. Mr. Asimes stated that he had, and one of his neighbor's attended the Planning Commission meeting.

Mr. Hasman clarified that there was nothing behind the proposed house until you get to Rt. 82. Mr. Asimes stated that was correct, there is a ravine and nothing but woods. Mr. Hasman stated that the rear was unbuildable, and will be quite isolated from the back. Mr. Asimes stated that was correct.

Mr. Rose opened up questions to the audience. Mr. Robert Vajda, 9059 Highland Drive. He stated that he lived across the street, and was concerned with the water run-off from their driveway into his front yard. He explained that currently that is happening with the house that is there now. Mr. Rose explained that the City Engineer will review the water run off and topography when they apply for the permit to build the house. Mayor Hruby asked for clarification of the problem, and asked if the Building Department was aware of the problem. Mr. Synek stated that he was not. Mayor Hruby wanted us to refer the issue to the City Engineer, so when he looks at their topographical survey and the driveway he can review that problem.

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

**MOTION CARRIED**

**APPEAL 2019-27**

James & Karen Roberts for a variance from Section 1151.25(d)(2)(c) from the maximum 240 sq. ft. to allow 5512 sq. ft. for the construction of a horse arena located at 12880 Chippewa Road, PP# 602-17-041.

Jim and Karen Roberts spoke to the Board. Mrs. Roberts explained that the addition to the existing building will be behind the barn, which is pretty much in the woods. They will also be replacing the existing fence. She stated that most of her neighbors were in attendance this evening.

Mr. Rose stated that this was a large structure, but that it was a specialty structure, an arena. Mrs. Roberts stated that it is basically an open space to work the horses in the winter. She explained that as they get older, it is getting harder for them to be outside. Mr. Rose clarified that it will have a dirt floor. Mrs. Roberts stated that yes, it is basically a dirt floor.

Mr. Rose stated that the Board received a letter from the Metro parks regarding a deed restriction, and clarified with Mr. Synek if they were within the easement of the deed restrictions. Mr. Synek stated that they are not, but there are several different deed restrictions. Mr. Rose stated it is a deed restriction that sits on their property, but the City does not enforce deed restrictions. Mr. Rose clarified with the Robert's, that the structure may only be allowed for residential use, and clarified that it won't be for a business of giving lessons, or training horses. Mrs. Roberts stated that was correct, it is too small for anything like that. Mr. Rose asked how many stalls were in their barn. Mr. Roberts stated that they had four.

Mr. Hasman asked Mr. Synek if the Metro parks was stating that it is, or is not, within their boundaries. Mr. Synek stated, that he believed, they are saying if it is a residential use, it is acceptable to them. Mr. Roberts stated that they rezoned it recently, another acre that was part of the commercial property to build a garage, and that property is zoned residential.

Mr. Rose opened up questions to the audience. Charles Evans, 12809 Chippewa Road spoke to the Board. He stated that he lived across the street. When he moved here it was quite rural, with fields and barns. He stated that he liked having something other than residential in the City limits. He stated they have been a good neighbor, and he would like to support them in what they were asking to do.

Pat Brown, 12812 Chippewa Road spoke to the Board. She stated that they are excellent neighbors and she supports them in what they want to do, as well.

Mr. Rose wanted the record to reflect that when the time comes to sell this property, no one can put a commercial enterprise there. If someone tried to do that they would be in violation of what the Board would have granted.

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

**APPEAL 2019-29**

Bob and Sue Gillespie for a variance from Section 1151.39(a)(5) from the maximum allowed 6 ft. to allow a 7.5 projection into the front yard for the construction of a porch roof located at 8375 Sunnydale Drive, PP# 601-14-008.

Bob and Sue Gillespie spoke to the Board regarding their appeal. Mr. Gillespie explained that they are looking to put a porch roof over their existing concrete in their front yard, and it is 1.5 ft. too large. Mr. Rose stated that it just a foot and a half over the existing concrete.

Mrs. Gillespie stated that they had spoke with five of their neighbors regarding their project.

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

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

**APPEAL 2019-30**

Serena DeVito for (1) a variance from Section 1151.22 from the minimum required lot width of 200 ft. to allow 122.66 ft. for Parcel A, and (2) a variance from Section 1151.22 from the minimum required lot width of 200 ft. to allow 155.80 ft. for Parcel B, as parts of a lot split and consolidations located at 9150 Highland Drive PP# 601-32-011, 9164 Highland Drive PP# 601-32-012 & vacant parcel, PP# 601-32-009.

Serena and Simon DeVito spoke to the Board regarding their appeal. Ms. DeVito stated that currently there are three non-conforming lots according to the R-40 Zoning, PP# 601-32-009, 601-32-011, and 601-32-012. Ms. DeVito stated that they propose to subdivide Parcel # 601-32-009 and consolidate it with Parcel #601-32-011 and 601-32-012. The end result would be increased frontage for Parcel #601-32-011 to 122.66 ft. and increased frontage for Parcel #601-32-012 to 155.80 ft. The property widths of the original lots, predates the zoning requirement of 200 ft, and the consolidation of Parcel #601-32-009 into the two lots, would increase the frontage. Ms. DeVito stated that even though the lots would still be non-conforming, they would be as conforming as possible, given the land provided.

Mr. Rose asked what the purpose was for the additional land. Ms. DeVito stated that they want to take control of the property that is adjacent to them, so that they would be able to maintain it.

Mayor Hruby stated that the Planning Commission looked favorably on this. Mr. Rose stated that he read that in the minutes.

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

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

**APPEAL 2019-31**

Deborah Riczo for Alexandra Riczo for a variance from Section 1185.03(a) of 1 ft. from the maximum 4 ft. fence height to allow 5 ft. located at 8054 Farview Oval, PP# 601-06-037.

Before the appellant spoke, Mr. Rose stated that he will recuse himself, once again, from the vote as well as any discussion, because he is a neighbor of Ms. Riczo. He turned the discussion over to Mr. Hasman.

Mr. Hasman stated last month when she was in front of the Board, she went from a 4 ft. fence height to a 4.5 ft. fence. Since then Ms. Riczo discovered that a 4.5 ft. fence is a custom made fence, and is now requesting a 5 ft. fence. Ms. Riczo stated that was correct, after talking with the fence company a 4.5 ft. fence would be more costly, and would not really achieve what she was looking to do. Ms. Riczo explained that she did not talk with the fence company prior to coming to the Board the last time. They came out after the last meeting to look at the yard, and felt that a 5 ft. fence would give her more privacy due to the topography of her land. Mr. Hasman clarified with Ms. Riczo, that the reason for a 5 ft. fence, was because of the economic perspective and privacy. The fence company felt the 5 ft. fence would be better. Ms. Riczo stated that was correct. Mr. Hasman asked if she checked with her neighbors again regarding the change in height. She stated that she did not speak with her neighbors on the left, but did speak to her other neighbor and they were ok with it.

Mayor Hruby asked for clarification on the purpose of the fence. Ms. Riczo stated that it was for safety, privacy and protection, she also has dogs.

Mr. Hasman opened up questions to the audience. Mark Ropchock, 6600 Wallings Road spoke to the Board. He stated that he had no problem with her installing the fence, but the dogs concerned him. He stated that he saw the dogs were muzzled when they go for a walk, and asked if she gets the fence, will she just let them go free. Ms. Riczo stated that she never muzzled them, it is called a gentle leader. Mr. Ropchock was worried about the dogs jumping the fence. Ms. Riczo stated that she understood his concern, but the dogs are not aggressive, they are going on 10 years old, and they won't be outside unless someone is out with them.

Mr. Rose stated that as a neighbor of Ms. Riczo, he met both dogs, and they are very nice.

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  
September 9, 2019**

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

Absent: None

Others: Building Inspector Synek, 17 guests

**APPROVAL OF THE REGULAR MEETING MINUTES OF AUGUST 12, 2019**

Motion by Mayor Hruby, seconded by Mr. Kingston to approve the Regular Meeting Minutes of August 12, 2019, as recorded.

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

**MOTION CARRIED**

**APPEAL 2019-26**

Motion by Mr. McCrodden, seconded by Mayor Hruby, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1117.09 requiring that lot design be generally rectangular to allow the creation of two irregularly shaped lots, and (2) a variance from Section 1151.22 of 54.3 ft. from the minimum required lot width of 200 ft. to allow 145.7 ft, Parcel B, and (3) a variance from Section 1181.11(a) maximum roof area over 30 ft. is limited to 25% of ground floor to allow 45% for the construction of a new house on Parcel B, and (4) 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 on Parcel B, located at 9054 Highland Dr. PP# 601-32-002, and 9060 Highland Dr. PP# 601-32-017.

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

**MOTION CARRIED**

**APPEAL 2019-27**

**Before the Motion Ms. Roberts wanted the record to reflect that there was no family connection to Mr. and Mrs. Roberts.**

Motion by Ms. Roberts, seconded by Mr. Kingston, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.25(d)(2)(c) from the maximum 240 sq. ft. to allow 5512 sq. ft. for the construction of a horse arena located at 12880 Chippewa Road, PP# 602-17-041.

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

**APPEAL 2019-29**

Motion by Mr. Kingston, seconded by Mayor Hruby, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.39(a)(5) from the maximum allowed 6 ft. to allow a 7.5 projection into the front yard for the construction of a porch roof located at 8375 Sunnydale Drive, PP# 601-14-008.

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

**APPEAL 2019-30**

Motion by Mr. Hasman, seconded by Mayor Hruby, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1151.22 from the minimum required lot width of 200 ft. to allow 122.66 ft. for Parcel A, and (2) a variance from Section 1151.22 from the minimum required lot width of 200 ft. to allow 155.80 ft. for Parcel B, as parts of a lot split and consolidations located at 9150 Highland Drive PP# 601-32-011, 9164 Highland Drive PP# 601-32-012 & vacant parcel, PP# 601-32-009.

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

**APPEAL 2019-31**

Motion by Ms. Roberts, seconded by Mr. Kingston, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1185.03(a) of 1 ft. from the maximum 4 ft. fence height to allow 5 ft. located at 8054 Farview Oval, PP# 601-06-037.

Before the vote, Mr. McCrodden asked Mr. Synek if there was anything the Board needed to do to void the previous approved variance on the 4.5 ft. fence. Mr. Synek stated that there was not.

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

**REPORT OF COUNCILMEMBER ROSE**

Mr. Rose reported that all the recommended variances were approved by City Council at the August 20, 2019 meeting. Mr. Rose also reported that on September 25, 2019 there will be a public meeting at 6:00 p.m. in City Council Chambers regarding the Central School and Valor Acres.

**REPORT OF MAYOR HRUBY**

Mayor Hruby reported that on Saturday, September 14, 2019, there will be a dedication of the new Police Station, with a ceremony at 11:00 a.m. followed by tours of the building. The public is welcome.

Motion by Mayor Hruby, seconded by Ms. Roberts, to close the Regular Meeting at 8:12 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