

**MINUTES OF PUBLIC HEARINGS  
BRECKSVILLE BOARD OF ZONING APPEALS  
Ralph W. Biggs Council Chambers - Brecksville City Hall  
August 10, 2020**

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

**Absent:** None

**Others:** Building Inspector Synek, 6 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 2020-21**

Mary Foulkes for a variance from Section 1183.15(a) to allow a gravel driveway instead of the required concrete or asphalt, for the relocation of a driveway, located at 5520 E. Edgerton Road, PP# 604-05-019.

Mrs. Foulkes spoke to the Board regarding her appeal. She stated that she has lived in Brecksville for 51 years. Mrs. Foulkes went on to explain that the City Engineer ordered the gravel driveway and mailbox to be removed.

Mr. Rose asked how long the driveway had been there. Mrs. Foulkes thought it was there around 1949, or before that. Mr. Rose stated that he saw the checklist from the City Engineer, and asked Mr. Synek to give the Board more information on how this came about. Mr. Synek stated that there was a new house constructed on the corner lot, and as part of the development of that lot, it was revealed that the driveway crosses the lot line, and the City Engineer is asking for it to be removed. Mr. Synek stated that we would allow a possible easement, as an option, to allow that driveway to remain, but no action was taken on that option. Mr. Rose stated that he thought this came before the Board previously, and asked if there was a variance on the property recently. The Board answered that there was. Mr. Rose clarified with Mrs. Foulkes and Mr. Synek, that as a result of the property being sold, the driveway encroached and would now have to be removed. Mr. Synek and Mrs. Foulkes stated that was correct. Mr. Rose asked Mrs. Foulkes if she was aware that her driveway crossed over the other parcel. Mrs. Foulkes stated that the Engineer didn't notify her at the time, that the lot was beyond the driveway, otherwise, she would have shortened the division of the property, because she had the sublots divided.

Mr. Hasman asked if she had any idea how much it would cost to install a new driveway that wasn't gravel. Mrs. Foulkes stated that was her hardship, she would have to move it 25 ft. to her property. Mr. Hasman clarified that it was not only the movement of the driveway, it was the fact that it is gravel, and cement would be required. Mrs. Foulkes stated yes, that is her hardship. Mr. Hasman asked Mrs. Foulkes if there was any possibility that she could move her mailbox

from Edgerton to Highland, where a driveway exists that is not out of compliance. Mrs. Foulkes explained that it's a hardship as well, because she has direct deposits, and all her accounts would have to be changed, and at her age, she felt it would be difficult. She has been there for 51 years.

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 2020-22**

Arcus Group for Patricia Babington for (1) a variance from Section 1151.24, a minimum 10 ft. side yard setback required to allow 8.1 ft. (existing), and (2) a variance from Section 1151.24 a minimum 30 ft. total side yards required to allow 22.9 ft., and (3) a variance from Section 1151.24 from the minimum required 60 ft. front yard setback to allow 54 ft., for the construction of an addition on a non-conforming house located at 7825 Oakhurst Circle, PP# 602-01-017.

Rick Benos with the Arcus Group, spoke to the Board regarding their appeal. He explained that as the Board could see from the site plan, the house is non-conforming, with the side yard setbacks on both sides, and also the house is not parallel to either side yards. It is an unusual angle to the street, and that is their hardships. Mr. Benos went on to explain the side yard variances, and mentioned that the variance may not be right. Mr. Synek stated that with regards to the side yard and total of two side yard variances, we were recognizing an existing non-conforming setback. Mr. Benos explained the third variance for the front yard setback was due to the drastic curve and angle of the house when placed on the site. To do the project they want, they have to come forward 6 ft. into the front yard setback. That is due to the large ravine in the back, unsuitable soils, and the pool in the back. They have big open rooms, and it would just ruin the whole first floor plan.

Mr. Rose asked if the reason it was not parallel with the side yards was due to a terrain issue. Mr. Benos stated that he had no idea, the lot is so strange to the road, that they couldn't parallel either one, because then you look at the side of the house. He explained that you do see some of that on Oakhurst Circle, so they tried to turn it a little bit to have more frontage to the road. He said that they are not encroaching any more than the house is already.

Mr. Kingston wanted to clarify that the variances were correct as written. Mr. Benos stated that the first one is correct, there is nothing that talks about the other side yard on the right hand side. where the addition is going. Mr. Rose asked Mr. Synek to clarify. Mr. Synek stated that none of the side yards are conforming. Mr. Rose clarified that the 22.9 is the total from both side yards. Mr. Synek stated that was correct.

Cliff Bellmore and Patricia Babington stated that they spoke with their neighbors on both sides and across the street, and they had no issue with it.

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

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

**APPEAL 2020-23**

Carmen Milano for a variance from Section 1151.24 from the minimum required 60 ft. rear yard setback to allow 45 ft. for the construction of a covered porch located at 9871 Highland Drive, PP# 604-05-017.

Carmen Milano spoke to the Board regarding his appeal. He stated he lived in his house for 25 years. He went on to explain, that he would like to enjoy more of the backyard, and also in the winter months, he would like to protect his patio furniture. Mr. Milano felt that the covered porch would be a nice look to the rear of the house. He spoke to his neighbor to the left, and they wrote a letter. Mr. Milano stated that they are really the only ones that can see it, the Mitchells are so far back, and the development behind them is separated by so many trees that you can't even see the house.

Mr. Rose wanted the record to reflect that the Board did receive a letter from Dom & Kathy Sciria, 9865 Highland Drive, that had no objection to it, and thought it would be a nice addition to the home.

Mr. Rose clarified with Mr. Synek that this is another situation that anything that is done to the house would need a variance. Mr. Synek stated that was correct.

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  
August 10, 2020**

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

Absent: None

Others: Building Inspector Synek, 6 guests

**APPROVAL OF THE REGULAR MEETING MINUTES OF JULY 13, 2020**

Motion by Mr. Caruso, seconded by Mr. Kingston, to approve the Regular Meeting minutes of July 13, 2020, as recorded.

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

**MOTION CARRIED**

**APPEAL 2020-21**

Motion by Mr. Hasman, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council the approval for a variance from Section 1183.15(a) to allow a gravel driveway instead of the required concrete or asphalt, for the relocation of a driveway, located at 5520 E. Edgerton Road, PP# 604-05-019.

Before the vote, Mayor Hruby wanted to clarify a few things with Mrs. Foulkes. He stated that the issue regarding the driveway, was when her son Douglas built the house on the property. He put the lot line in an area, where it basically encroached on her driveway. Mayor Hruby asked Mrs. Foulkes if that was correct. Mrs. Foulkes stated that was correct. Mayor Hruby explained that the issue, is that she would have to install a new driveway. He asked Mrs. Foulkes if she was planning on using the existing driveway on Edgerton or was she planning on using the driveway on Highland Drive. Mrs. Foulkes stated that the driveway on Edgerton is where she goes to get her mail so she can exit on to Edgerton Road. Mayor Hruby stated that property is now part of the new lot that was created, and asked Mrs. Foulkes if that was correct. Mrs. Foulkes stated that was correct.

Mayor Hruby stated that he knew there was a motion on the floor, but he would like to make another motion to table the appeal, so that he could work with Mrs. Foulkes, because he didn't see how the Board could do anything but deny this variance, at this point. Mayor Hruby explained, that if the Board and Mrs. Foulkes would not object, he would move to table this, and see if they can work this out with Mrs. Foulkes, as far as the lot lines are concerned. Mr. Rose explained what Mayor Hruby suggested to Mrs. Foulkes, and explained that they would work towards a resolution of what would be a better way. Mr. Rose asked if she agreed with that, to table it for another meeting, while the City tried to work out a better solution. Theresa Foulkes

spoke to the Board, she is the homeowner, she and her husband built the house. She explained that her husband passed away two months ago. She stated that she had no problem with her keeping the driveway on their property. It is really an access for her to get her mail. No cars really go down there. Mr. Rose stated that one of the solutions could be an easement, and then the driveway could stay where it is. Mayor Hruby was asking for it to be tabled, so that he could sit down with the family, and have some time to work this thing out. They have been long time residents of Brecksville, and the Mayor stated that we owe them that much. Mrs. Foulkes felt that a month would be too long. Mr. Rose explained that a month is just for the meeting, but that the Mayor will try to resolve it with them before that, and they may not even need another meeting.

Motion by Mayor Hruby, seconded by Mr. Kingston, that the Board of Zoning Appeals table the approval for a variance from Section 1183.15(a) to allow a gravel driveway instead of the required concrete or asphalt, for the relocation of a driveway, located at 5520 E. Edgerton Road, PP# 604-05-019.

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

**APPEAL 2020-22**

Motion by Mr. McCrodden, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1151.24, a minimum 10 ft. side yard setback required to allow 8.1 ft. (existing), and (2) a variance from Section 1151.24 a minimum 30 ft. total side yards required to allow 22.9 ft., and (3) a variance from Section 1151.24 from the minimum required 60 ft. front yard setback to allow 54 ft., for the construction of an addition on a non-conforming house located at 7825 Oakhurst Circle, PP# 602-01-017.

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

**APPEAL 2020-23**

Motion by Mr. Kingston, seconded by Mr. Caruso, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 from the minimum required 60 ft. rear yard setback to allow 45 ft. for the construction of a covered porch located at 9871 Highland Drive, PP# 604-05-017.

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

**REPORT OF COUNCILMEMBER CARUSO**

No Report.

**REPORT OF MAYOR HRUBY**

No Report.

Mr. Synek reminded everyone that the September meeting will take place on September 8, which is a Tuesday instead of Monday, due to the holiday, Labor Day.

Motion by Mr. Hasman, seconded by Ms. Roberts to close the Regular Meeting at 8:02 p.m.

**MOTION CARRIED**

**THE BRECKSVILLE BOARD OF ZONING APPEALS**

**DENNIS ROSE, CHAIRMAN**

**ROBERT HASMAN, VICE CHAIRMAN**

**DARYL KINGSTON, SECRETARY**

Public Hearing and Regular Meeting recorded by Gina Zdanowicz