

**MINUTES OF PUBLIC HEARINGS  
BRECKSVILLE BOARD OF ZONING APPEALS  
RALPH W. BIGGS COUNCIL CHAMBERS – BRECKSVILLE CITY HALL  
January 11, 2021**

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

Absent: None

Others: Building Inspector Synek, 3 guests

**ORGANIZATIONAL MEETING**

Councilmember Caruso opened the Organizational Meeting at 7:30 p.m.

Pledge of Allegiance

Mr. Caruso opened up nominations for the position of **Chairperson, Board of Zoning Appeals**. Mayor Hruby nominated Dennis Rose, seconded by Mr. McCrodden.

Nomination was closed by Mayor Hruby, seconded by Mr. McCrodden.

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

**MOTION CARRIED**

Mayor Hruby moved, Mr. McCrodden seconded, that **Dennis Rose** be elected **Chairperson, Board of Zoning Appeals**.

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

**MOTION CARRIED**

Mr. Rose opened up nominations for the position of **Vice Chairperson, Board of Zoning Appeals**. Mr. Rose nominated Robert Hasman, seconded by Mayor Hruby.

Nomination was closed by Mr. McCrodden, seconded by Mayor Hruby.

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

**MOTION CARRIED**

Mayor Hruby moved, Mr. McCrodden seconded, that **Robert Hasman** be elected **Vice Chairperson, Board of Zoning Appeals**.

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

Mr. Rose opened up nominations for the position of **Secretary, Board of Zoning Appeals**. Mayor Hruby nominated **Kathy Roberts**, seconded by Mr. McCrodden.

Nomination was closed by Mayor Hruby, seconded by Mr. McCrodden.

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

Mayor Hruby moved, Mr. Hasman seconded, that **Kathy Roberts** be elected **Secretary, Board of Zoning Appeals**.

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

## **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 2021-01**

Kenneth & Therese Esber and George & Andrea Loucaides for a variance from Section 1151.26(8) that requires a minimum 10 ft. setback to allow 7.1 feet from the side lot line and 9.4 feet from a portion of the rear lot line, for a pool deck, located at 10400 Barr Road, PP# 604-23-012 and 10380 Barr Road, PP# 604-23-003.

Mr. Esber and Mr. Loucaides spoke to the Board regarding their appeal. Mr. Esber explained that he has dealt with this existing issue since 1984, where a pool was built, that went across both Mr. Esber's and Mr. Loucaides' property lines. Mr. Esber bought their lot in 1999, and built on it in 2004. At that time, the pool was encroaching 6 ½ to 7 ½ ft. depending on where you were on the property. In the last 15 years, there have been three different owners. Everytime he tried to explain the situation to the new owner, it was a struggle, and it was never resolved. Mr. Esber felt the pool was a liability, and went on to explain that he didn't own the pool, but yet it is partially on his land. Thru discussions with his neighbor, they resolved that Mr. Esber would give Mr. Loucaides a section of his land, so that the pool would no longer be on his property. Mr. Loucaides also explained to the Board, that when they purchased the property, they were not aware of any of this. The plat that they were given did not show that the pool was partially on Mr. Esber's land. They didn't know anything about it, until Mr. Esber brought it to their attention. Mr. Loucaides stated that it would have been a problem purchasing the house, knowing that part of the pool deck was on someone else's property. It took some investigation

on both parties, but they rectified the situation. The proposed dimensions of both lots makes it look right again, originally, it didn't make sense. Mr. Loucaides stated that they do not plan on moving, they have two young children, and they wanted this issue resolved.

Mr. Rose asked about the side and rear yard issues, and why they couldn't make it code compliant. Mr. Esber stated that they hired a surveyor, and it was due to the terrain and space, and also not having to change what was there.

Mr. Rose asked Mr. Synek, if this lot split and consolidation made it an irregular shaped lot. Mr. Synek stated that it was determined that it was not an irregular shaped lot.

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  
January 11, 2021**

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

Absent: None

Others: Building Inspector Synek, 3 guests

**APPROVAL OF THE REGULAR MEETING MINUTES OF DECEMBER 7, 2020**

Motion by Mr. McCrodden, seconded by Mayor Hruby, to approve the Regular Meeting minutes of December 7, 2020, as recorded.

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

**APPEAL 2021-01**

Motion by Mr. McCrodden, seconded by Mr. Collin, that the Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.26(8) that requires a minimum 10 ft. setback to allow 7.1 feet from the side lot line and 9.4 feet from a portion of the rear lot line, for a pool deck, located at 10400 Barr Road, PP# 604-23-012 and 10380 Barr Road, PP# 604-23-003.

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

**REPORT OF COUNCILMEMBER CARUSO**

No Report. Mr. Caruso just wanted to welcome everyone back for the new year, and looked forward to working with everyone again.

**REPORT OF MAYOR HRUBY**

Mayor Hruby congratulated Mr. Rose, Mr. Hasman and Ms. Roberts on being re-elected. He also thanked everyone on the Board for their hard work and their time and participation on the Board.

Motion by Mr. Hasman, seconded by Mr. Collin, to close the Regular Meeting at 7:47 p.m.  
**MOTION CARRIED**

**THE BRECKSVILLE BOARD OF ZONING APPEALS**

**DENNIS ROSE, CHAIRPERSON**

**ROBERT HASMAN, VICE CHAIRPERSON**

**KATHLEEN ROBERTS, SECRETARY**

Public Hearing and Regular Meeting recorded by Gina Zdanowicz