

**MINUTES OF PUBLIC MEETING  
BOARD OF DESIGN AND CONSTRUCTION REVIEW  
COUNCIL CHAMBERS – BRECKSVILLE CITY HALL  
November 15, 2021**

**PRESENT:** Allan B. Pintner, Marie Pachnowski, Josh Slaga, Dave Matty,  
Scott Packard, Jeanne Magistro

**OTHERS:** John Klipfell, Elizabeth Klipfell, Lucas Staib of MSH/AODK Architecture, Tony Anselmo and approximately 17 guests

**RE:** 8035 Pershing Dr.

**APPROVAL OF THE PUBLIC HEARING MINUTES OF JULY 19, 2021 FOR 8035 PERSHING DR.**

It was moved by Mr. Pintner and seconded by Ms. Pachnowski that the Public Hearing Minutes of July 19, 2021 be approved.

Mr. Pintner opened the Public Meeting at 6:10 p.m. He introduced the newest Board Member, Josh Slaga, a Brecksville resident and Civil Engineer. He then introduced Marie Pachnowski, Brecksville resident and Real Estate Broker.

Mr. Pintner explained this was a continuation of a prior meeting and asked the audience if there were any questions.

Sandy McNair, 8028 Pershing Dr. wanted to note his objection of the approval of minutes. He believes the prior meeting was improperly constituted in terms of Members of the Board out of compliance with City Ordinance.

Mr. Pintner gave a brief overview of the prior meeting.

Mr. Klipfell, father of Elizabeth Klipfell, 8045 Pershing Dr., began with a slideshow presentation (copy on file with the Building Department) on behalf of his daughter and a number of select neighbors who were introduced. Mr. Klipfell spoke about a letter that went out to approximately 1,000 residents who could be in this similar situation. He then continued with the slideshow.

Mr. Klipfell asked Mr. Hedrick to speak about the brick fence proposed.

Mr. Hedrick explained it looked like a 102' windowless, brick wall that, to him, looks commercial and not for a residential setting. He also talked about whether this home will be considered one structure or have accessory structures. Mr. Klipfell continued with the slideshow.

Mr. Hedrick, 8053 Pershing Dr., spoke again regarding accessory structures and the limitations of sizes of these structures according to code. He believes the foundation, of the proposed home, is taken completely around the perimeter of the building in order to attach all the structures. He feels if it's not the intent of the footer to create one continuous building, then all structures should be taken on their own merit regarding allowable size. If it is one structure, based on the footer, then the Board needs to consider the square footage of this home in comparison to the other homes on the street. Mr. Klipfell continued with the slideshow.

Mr. McNair brought up the issue of water run-off. His water runs across the street to the property of the proposed new home and wondered if Lewis Land Professionals took into account the huge

amount of water during big storms that then travels across the street. If it wasn't taken into account, he feels it will be a problem. Mr. Hedrick mentioned the amount of water collected in the swale between his home and 8045 Pershing Dr. and doesn't feel, in his opinion, the 10" storm sewer being considered is adequate to carry the water. Mr. Klipfell continued with the slideshow.

Pat Coleman, 8072 Pershing Dr., asked Scott Packard, Building Commissioner, regarding the 8 car garage, if a sprinkler system was required. Mr. Packard replied, because we don't have full construction plans, it would be better to ask the architect that question. The slideshow continued and once completed, turned over to Mr. McNair.

Mr. McNair mentioned his list of concerns submitted to the Board Members. His first concern was the arborvitae on the property line of 8023 Pershing Dr. that can't be removed without the owner's approval. He pointed out the drawings have conflicting information regarding the arborvitae. He also asked about a swale being installed, due to the driveway, and doesn't understand how a swale and the arborvitae will fit in an area less than 7'. He also mentioned he pointed out, to the City, the storm maintenance agreement has the incorrect owner. There is also nothing in the document to bind subsequent owners or if the current owner doesn't comply with the agreement. Mr. Pintner mentioned he didn't understand the arborvitae issue. Mr. Hedrick explained there was not sufficient room for a swale and the arborvitae within a 6.8' area without damaging the arborvitae. Mr. McNair mentioned the Generator in the side yard. He asked Mr. Packard about trees that were removed consistent with city ordinances. Mr. Packard explained we were informed that trees were being removed and they were stopped at that point. According to the City Arborist, the trees that were cut down were part of the trees to be removed. Mr. McNair brought up the fact the owner is a "for profit" company and not sure why, or the purpose of. He wondered how often "for profit" activities will occur. He asked the Board Members to request the Articles of Incorporation of a "for profit" company and review before making a decision. Mr. McNair also asked for the estimated cost of construction and Mr. Anselmo replied that he doesn't have approved plans yet and doesn't know the cost. Mr. McNair said the house is huge and will stick out like a sore thumb and change the character of their neighborhood. His final concern relates to the Board itself. A fundamental question is if this Board is properly constituted.

Mr. Hedrick asked the Board to identify what are accessory structures. Mr. Packard explained, by definition, anything not attached by walls and a continuous roof is an accessory structure. Mr. Hedrick asked about the 8 car garage and Lucas Staib, AODK Architecture, responded the garage will have a continuous roof on the plans to be submitted, along with the generator being moved to the rear yard.

Karen Wisner, 6673 Farview Rd., asked why a resident would need a 12 car garage.

Mr. McNair asked if the document he was looking at has the covered roof to garage and Mr. Staib told him it was.

Mr. Klipfell brought up again the fact the owner is a "for profit" company. Chris Anselmo, Attorney, explained it was put into an LLC because it was rental property and there were tenants in the house before it was demolished. Mr. Klipfell and Chris Anselmo had back and forth conversation regarding property values, increased taxes, large structure on an R-20 lot and how his daughter's property will be destroyed.

Mr. Pintner and Ms. Pachnowski explained they have both visited the property and asked to move on from the same questions that continue to be asked unless there's something new.

Elizabeth Klipfell, 8045 Pershing Dr., requested the Board of Design and Construction Review and City Council carefully review the facts and concerns before making decisions that will negatively impact the character and livability of the Pershing Dr. residents.

Mr. Anselmo explained, regarding the 8 car garage, he is an avid car collector and that is the reason for the garage. He also stated it will not be a party house. There was back and forth conversation regarding the proposed home, and its intent, between Tony Anselmo, Ms. Klipfell and Mr. McNair. They were interrupted by Mr. Pintner who said they need to stay on topic and address issues the committee requires to make their decision.

Mr. Staib, AODK Architecture, thanked the committee for meeting again. He went through the timeline of the submittal and review process. He mentioned they've worked closely with the City to ensure the proposed home would be built within City regulations. He gave an overview of the site plan, square footage of other attached structures and size of house. He mentioned all setbacks were met and no variance needed as far as size. Mr. Staib spoke briefly on the roof plan. He explained the drainage improvements, to be made, will collect water from other lots to help the other homeowners. He also said the trees that were removed were either dead or dying and Mr. Anselmo plans to plant new trees and shrubs to improve privacy and also for the bio retention system. His final comment was that the character of the neighborhood has many different styles and they believe the home fits in with other homes.

Mr. Klipfell brought up about the tree and fence removal and who's making those decisions. Mr. Pintner explained a reputable tree company had removed the trees. Mr. Staib explained the trees were on Mr. Anselmo's property based on the survey and the fence mentioned is for the pool, not the retention system or treeline. Mr. Klipfell spoke again about adverse possession. Matt Viola, Attorney representing Tony Anselmo, responded to the adverse possession claim. He stated it's a 2' strip, there will not be any building on the 2' strip of land and this is not what the review is about. Back & forth conversation between attorneys regarding setbacks and the 2' strip of land.

Michelle Ferrara, consultant in real estate & construction for Mr. Klipfell stated the proposed home is a massive structure and will impact all the neighbors. Their taxes will go up and their value will go down. She feels the Board needs to take a look at the zoning and building code and the purpose of the Design and Review Board. She feels it will dramatically affect the people on Pershing Dr.

Mr. Staib concluded his part of the presentation and turned it over to David Lewis, Lewis Land Professionals. Mr. Lewis wanted to comment on a couple of issues brought up earlier. Regarding the property to the south, they are not touching the driveway of 8045 Pershing. The proposed drainage swale will be on the applicant's property within a 13'10" strip. The storm sewer can handle a 10 year flood and the swale a 100 year flood. He mentioned the detention basin, approved by the City Engineer, is designed to capture, not hold water. Mr. Lewis also mentioned they have more than enough room on the north side of the property to install a swale without touching the arborvitae. Mr. Slaga asked to explain the landscape buffer within the swale. Mr. Staib explained they had originally thought, because of cars exiting the 4-car garage and lights shining, it shouldn't be the neighbor to the north to screen the lights. They thought to add this buffer for that reason, and if it doesn't work due to the swale, Mr. Anselmo would work with the neighbor to ensure his privacy needs were met.

Mr. Hedrick asked about the retention pond, being an unusual situation, would it require a bond or maintenance agreement. Mr. Packard said he believes there is a maintenance agreement and will be looked at more with the permitting process.

**Mr. McNair asked if the water run-off, from his property, was included in the review and Mr. Lewis responded that it was. Mr. McNair requested the documentation and Mr. Lewis told him all information was filed with the City Engineer. Mr. McNair made a public record request to Scott Packard for the information.**

**Ms. Pachnowski mentioned hearing both retention and detention and asked to clarify and Mr. Lewis informed her there is only (1) basin.**

**Mr. Klipfell brought up again about the trees and bushes. Mr. Staib informed him the applicant hired Davey Tree and there is a full report. Mr. Pintner questioned about the trees by the garage. He asked for Davey Tree's analysis of the inspection. Jim Jenkins, Davey Resource Group Inc., explained, upon review of those trees, they were evaluated as roughly fair condition and recommended to remove based on condition and proximity to construction. Other trees were evaluated and varied good to poor.**

**Mr. Slaga asked again if there was room, along the northern property, for landscape screening. Mr. Staib explained it was preemptive on plans but the goal is to maintain the existing arborvitae for screening and Mr. Anselmo will work closely with neighbor. Mr. Slaga asked if the arborvitae were evaluated and was told, not directly. Mr. Staib summarized his presentation that they are working with all required setbacks and no variances are required. Back and forth conversation between Mr. McNair, Mr. Staib and Mr. Viola regarding the size of the proposed home.**

**Mr. Pintner summarized the issues presented. He mentioned, regarding the comment made about Mr. Packard helping the applicant, that it is the job of all city officials to do their job, enforce the law and give aid. He went over the issues and information provided from both meetings and from both the objector and applicant. He mentioned there's much diversity in Brecksville with many large homes.**

**Mr. Slaga did not believe they saw evidence the proposed home will harm Ms. Klipfell's property. He will refer to the building code and stated all storm water issues were resolved and all engineering approvals were met.**

**Ms. Pachnowski, speaking from a real estate view, believes if anyone could be hurt by this it would be Mr. Anselmo because of the modern home. She mentioned his house will add value to the homes on Pershing. Ms. Pachnowski mentioned the proposed home did not have to go to Planning Commission or BZA. She said there's a lot of "what ifs" with the proposed home however, they have to comply with code.**

**Dave Matty, Law Director for the City, stated because there is a record being created, he corrected Ms. Pachnowski's statement of not having to go to Planning Commission and BZA, stating that this did go to Planning Commission for a front yard setback and will go to BZA for a sidewalk variance.**

**Mr. Pintner made a motion to move to approve what has been presented here tonight, and the prior meeting, to approve and forward to Brecksville City Council for review and necessary decision they would make.**

**Ms. Pachnowski so moved.**

**Mr. Slaga seconded.**

**ROLL CALL: Mr. Pintner**

**Ms. Pachnowski**

**Mr. Slaga**

**The meeting closed at 8:47 p.m.**

**BRECKSVILLE BOARD OF DESIGN AND CONSTRUCTION REVIEW**

**Allan B. Pintner, Chairperson**

**Marie Pachnowski, Vice Chairperson**

**Josh Slaga, Citizen Member**

**Minutes recorded by Jeanne Magistro**