

**MINUTES OF PUBLIC HEARING
BOARD OF DESIGN AND CONSTRUCTION REVIEW
COUNCIL CHAMBERS – BRECKSVILLE CITY HALL
July 19, 2021**

PRESENT: Allan B. Pintner, Marie Pachnowski
Scott Packard, Jeanne Magistro

OTHERS: John & Cheryl Klipfell, Lucas Staib of MSH/AODK Architecture, Tony Anselmo and
approximately 11 guests

RE: 8035 Pershing Dr.

Mr. Pintner opened the Public Hearing at 6:00 p.m. He explained the duties and process of the Board of Design and Construction Review. The reason for the meeting tonight is to discuss the proposed new home at 8035 Pershing Dr.

Mr. Klipfell began his presentation explaining the objection by his daughter, Elizabeth Klipfell, 8045 Pershing Dr., to the new home to be constructed next door to her at 8035 Pershing Dr. Elizabeth Klipfell attended the meeting via Zoom. Mr. Klipfell went over the Purpose of the Board of Design and Construction Review, Ordinance 1327.10 (a) and 1327.10(b). He explained his daughter's concerns are with the new home's massive size and scale. Mr. Klipfell gave an overview of the neighborhood compared to the proposed new home including ages of homes and square footage. He then listed his daughter's concerns:

- 1) The proposed residence is too large for the neighborhood
- 2) Many large trees in the front 300' of the property and along the property line will need to be either cut back or cut down.
- 3) Elizabeth Klipfell will be unable to use her driveway. A County GIS map was used to show property lines.
- 4) Concerns over trees being severely cut back and/or roots severed when excavating for the sewer.
- 5) Concerns that the new, proposed dwelling will become a "party house" and disrupt the quiet atmosphere of the neighborhood.

In closing, he once again voiced her concerns regarding the massive size and scale and how it would destroy his daughter's ability to live in and enjoy her home, disrupt the quiet atmosphere of the neighborhood and create noise and light pollution.

David Lewis, owner of Lewis land Professionals, presented the survey of the property that was done by his company. Regarding the driveway, he pointed out the solid line along the south property line on the survey which is the property line. He referred to the image on the GIS map, presented by Mr. Klipfell and what they felt was the property line, and explained that sometimes an aerial image can shift with the property lines. According to their survey the driveway is approximately 3 feet south of the property line.

Mr. Pintner mentioned of talk about adverse possession in the complaint. Mr. Klipfell had said earlier that his daughter had been required to maintain a 10 foot strip of land which includes a few inches of

her driveway. He believes the conditions of adverse possession have not been met and that should be taken off the table.

Lucas Staib, of AODK Architecture, explained the proposed new home is not requesting any variances or encroachments. Everything they are proposing meets today's City requirements. They plan to address water run-off from neighboring lots as well as the property of the proposed home. They intend to meet all engineering and tree savings per City requirements. The footprint, of the proposed home, was shown on the screen and Mr. Pintner mentioned there were paper drawings for anyone in attendance to look at. Mr. Staib also mentioned Tony Anselmo, the homeowner, purchased the lot to be closer to family. He will, at some point, move his mom into his home, part of the square footage being her living space. A lot of his inspiration for the mid-century modern home he plans to build comes from the Palm Springs area.

Tony Anselmo reiterated Mr. Staib's comments regarding his intention to have his mom move in with him. He chose the lot because of the park like setting and is excited to move back to Brecksville.

Doug Hedrick, 8053 Pershing Dr., started off with mentioning a couple of technical issues with the Board. He asked about an engineer and architect being on the Board as per the code. Mr. Pintner responded they have an appraiser and a broker and the engineer and/or architect spot is currently vacant. Mr. Hedrick felt the Board was leaning towards brokers. Mr. Pintner responded, regarding the vacancy for an engineer, that no engineering proposal has been made and they will address all concerns. Mr. Hedrick still had concerns regarding engineering issues and asked if the Board will meet again. Mr. Pintner explained the site review is done by the City. Mr. Packard confirmed the topo and tree savings are reviewed and approved by the City Engineer and City Arborist. Mr. Hedrick asked Mr. Staib if there's significant room for swales and how else the water would be captured because he wants to make sure he will not have water issues. He also mentioned, according to plans, the generator is in the side yard and verify slope requirements for an 8-car garage. Mr. Hedrick asked Mr. Anselmo to have consideration of the size and scope of the house and feels the house needs to shrink to fit the size of the lot and neighborhood.

There was more talk between all parties regarding the trees and shrubs along the property line.

Mark Shearer, Attorney, hopes the Board will take a look at the use of the property on behalf of Elizabeth Klipfell and what she has maintained.

Mr. Pintner responded what is most important to him is where the survey (property) line actually is. He feels the home fits the neighborhood and within the City there are many different styles and sizes of homes.

Patrick Coleman, 8072 Pershing Dr., stated he has lived in his home for 40 years. He appreciates why Mr. Anselmo wants to move to Brecksville. He realizes the homes on the street are unique however, he feels this home won't compliment or enhance the neighborhood and will hurt the value of their homes. He feels the size is overwhelming.

Mr. Pintner explained it will improve the value of the neighborhood as far as real estate.

Marie Pachnowski, having sold real estate for over 40 years, said the larger house suffers however, the smaller homes appreciate.

Mr. Pintner also confirmed new homes raise value.

Mr. Klipfell spoke more about his daughter's unique lot and the trees on her lot.

Jeff Grodell, 8023 Pershing, spoke of the front markers on the property and asked if the back of the property has been staked. Mr. Lewis replied it was not staked in the back because nothing was being done with the back of the property.

Mr. Klipfell asked what the timeline going forward was and Mr. Packard, Building Commissioner, replied once we receive documentation for what the recommendation is from this meeting, a timeline for the next meeting will be set. Mr. Pintner and Ms. Pachnowski agreed a determination, at this point, can't be made until the site issues are addressed.

Mr. Lewis responded that they would like to move forward with engineering review.

Mr. Packard asked if the Board is asking for preliminary approval as part of the decision making process, and if so then submit the site plan and tree savings and they will be sent out for review and results will come back to the Board as part of the discussion.

Mr. Pintner and Ms. Pachnowski, for the record, would like the plans to be submitted and when completed, schedule another meeting.

Brian Giovanazzi, Builder, thought this meeting was for the design and aesthetics of the home. Mr. Pintner said he's not prepared to make a decision until engineering approval. Mr. Giovanazzi then asked if the Board will approve conditioned on engineer approval and, at this time, Mr. Pintner understands what they are asking for but again said they are not prepared to give approval until they have engineering approval.

Mr. Anselmo pointed out other houses on the street are different and doesn't feel the neighbors should be able to decide his house style. There was back and forth conversation regarding the size and scope of the proposed home. Mr. Pintner responded other cases that have been approved by the Board of Design & Construction Review and all involved turned out to be good neighbors. With that being said, they will move forward with review and reconvene.

Mr. Pintner adjourned the meeting at 7:45.

**ROLL CALL: Mr. Pinter
Ms. Pachnowski**

BRECKSVILLE BOARD OF DESIGN AND CONSTRUCTION REVIEW

Allan B. Pintner, Chairperson

Marie Pachnowski, Vice Chairperson

Minutes recorded by Jeanne Magistro