

MINUTES OF THE PUBLIC HEARING - FRONTYARD SETBACK 8035 PERSHING DRIVE
BRECKSVILLE PLANNING COMMISSION
Council Chambers - Brecksville City Hall
June 3, 2021 Page 1

Present: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Kirk Roman
Absent: Ron Payto, Dominic Sciria
Others: Eric Hall, Gerald Wise and approximately 16 guests

Mr. Roman opened the Public Hearing at 7:00 P.M. by reading the following legal notice published in the May 20, 2021 issue of the *Sun Star Courier*.

The Brecksville Planning Commission will hold a Public Hearing Thursday, June 3, 2021 at 7:00 P.M. at Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio, to consider a requested 60 foot front yard setback for a new residential home at 8035 Pershing Drive, Brecksville, Ohio 44141, PP #601-07-028, as required by Section 1151.23.

Mr. Lucas Staib, AODK Architecture, was present to request a frontyard setback be established for a new home to be built at 8035 Pershing Drive. A site plan submitted for the home was within side and rear yard setback requirements for R-20 zoning. Mr. Staib commented that the typical setback in R-20 zoning would be 60-70 foot. Because the homes adjacent to the applicant's property were at varying, nonconforming setbacks it would be necessary for the Planning Commission to establish a frontyard setback. It was noted that the existing house on the lot, which would be razed, was set back 60 foot. The applicant was requesting a 60 foot setback for the new home.

Mr. Roman opened the Public Hearing to the public in attendance with the reminder that the Commission's consideration at this meeting was limited to setting a frontyard setback for the proposed home. Mr. Douglas Hedrick, 8053 Pershing Drive, asked about the proposed square footage of the home. Ground floor square footage was approximately 5,000 with 800 sq. ft. on the second floor. Depth of the home, front to back, would be 188 feet. Mr. Hedrick's initial concern was how this overly large, dramatic house would fit into their older cozy neighborhood of much smaller homes. He felt there was a significant challenge with drainage because of the 7-8 foot differential in grade from the front to the rear of the lot. Mr. Hedrick asked that the proposed house plans be sent to the Design and Construction Review Board for review relative to the appropriateness of the home located in the Pershing Drive neighborhood. He pointed out that the home next door to his was an example of too much house for too little lot. Mr. Hedrick felt a house, with perhaps a \$2 million valuation, would stand out as inappropriate for the neighborhood and would actually be detrimental to his property value. He concluded by saying Pershing Drive residents would welcome a new neighbor with a home sized appropriately for the neighborhood.

Mr. Jeffrey Grodell, 8023 Pershing Drive, said it appeared that the attached garage would be at the 60 foot setback, with the actual residential portion of the house setback at about 100 foot. He wanted to point out how incongruous this would look with the majority of the 1930's style homes set much closer to the street.

Ms. Terry Hedrick, 8053 Pershing Drive, said there were currently drainage issues in the area and she felt building that huge of a house would only make them worse. She wondered why the applicant didn't choose a property with some acreage in Brecksville for that size house. Mr. Staib remarked that the house fit side-to-side on the lot and with a generous 525 foot depth there would be a good sized backyard too after construction. Ms. Barbara Vokac, 8024 Pershing Drive, was also concerned about drainage. Mr. Staib indicated the civil engineering they were proposing for the site should address all drainage issues.

Ms. Elizabeth Klipfell, 8045 Pershing Drive, said that despite assurances that all documents submitted to the Planning Commission were public record, she was unable to secure any documents last week related to this proposed project from the Building Department. Ms. Klipfell was concerned about the impact a 12,000 sq. ft. house, which was ten times the size of her house, would have on the neighborhood. She was certain a 200 foot house wall running close to the property would adversely affect drainage. Mr. Staib indicated that stormwater management would be accomplished through swales and underground retention. He assured her the house wasn't anywhere near 12,000 sq. ft., however final house plans could not be completed until a frontyard setback was established. He mentioned that changes had been made to the house plans addressing Commission comments from the last meeting. Ms. Klipfell had some concern that the front of the new house would be behind

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her home, creating a privacy issue for her. She suggested Commission and Board of Review members visit the neighborhood before voting on the plans.

Mr. Joseph Kosek, 8067 Pershing Drive, remarked that his 3,500 sq. ft. home was the "monster" home on the street mentioned earlier. It was his feeling that a person should be able to build the home they want if it was within Code requirements. He also felt the applicant should be open to making some changes to address concerns of the neighbors.

Mr. Anthony Anselmo, the applicant, remarked that he has lived in the area before and was anxious to return to Brecksville. He explained that the first floor of the home was made larger by the inclusion of an in-law suite to accommodate his mother and a first floor master bedroom. Two bedrooms were situated upstairs. The home would be occupied by him, his mother, a girlfriend, and his daughter. To a resident question about the number of garages, Mr. Anselmo commented that he has an antique car collection he would like to store on the property.

Mr. Roman reminded the public present that the Commission's review this evening was limited to establishing a frontyard setback. Planning Commission members and the public present had no further questions. Mr. Roman noted that this matter would be considered at the Work Session later in the evening. The Public Hearing closed at 7:38 p.m.

THE BRECKSVILLE PLANNING COMMISSION

KIRK ROMAN, CHAIRPERSON
DOMINIC SCIRIA, VICE CHAIRPERSON
ERIC LAHRMER, SECRETARY

Minutes recorded by Nancy Dimitris

MINUTES OF THE REGULAR MEETING
BRECKSVILLE PLANNING COMMISSION
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Present: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Kirk Roman
Absent: Ron Payto, Dominic Sciria
Others: Eric Hall, Gerald Wise and approximately 16 guests

Mr. Roman opened the Regular Meeting of the Planning Commission at 7:38 P.M.

APPROVAL OF THE REGULAR MEETING MINUTES OF MAY 20, 2021

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission Regular Meeting Minutes of May 20, 2021 be approved.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Kirk Roman
Nays: None
MOTION CARRIED

APPROVAL OF THE WORK SESSION MEETING MINUTES OF MAY 20, 2021

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission Work Session Meeting Minutes of May 20, 2021 be approved.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Kirk Roman
Nays: None
MOTION CARRIED

SIGNS:

FIREWOOD SPA – 8931 BRECKSVILLE ROAD

Mr. Bob Bottomley, of Fastsigns of Broadview Heights, was present to request a wall sign for the new business, Firewood Spa. The sign was within Code requirements and there were no questions from Commission members.

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission approve, and the Building Department issue a permit for, a permanent, wall, identification sign for Firewood Spa, located at 8931 Brecksville Road, Brecksville, Ohio, PP #606-28-012, as described in the application dated May 16, 2021 by Fastsigns of Broadview Heights.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Kirk Roman
Nays: None
MOTION CARRIED

REPORT OF COUNCIL REPRESENTATIVE

Mr. Harwood reported that City Council, at their last meeting, approved the wall sign for Higher Heights Fitness.

REPORT OF MAYOR HRUBY

Mayor Hruby reported on a successful dedication of the new indoor pool and outdoor activity pool on Sunday. On Memorial Day, the 1,300 residents who participated in an early sign up for the Rec Center, were given first opportunity to use the new facilities. June 3rd was to be the day the new water features were open to all Rec Center members, but due to the inclement weather the pools had to close.

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The Mayor indicated all City COVID restrictions and policies were lifted relating to wearing masks and social distancing. Residents should still use caution and can wear masks if they so choose. Mayor Hruby said Home Days would be resumed this year, a little later than usual, on July 16, 17 and 18th.

REPORT OF CITY ENGINEER - No Report

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

AVATONY HOLDINGS, LLC FRONTYARD SETBACK – 8035 PERSHING DRIVE

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission recommend to City Council **Final Approval** of a 60 foot frontyard setback for a new home to be built at 8035 Pershing Drive, Brecksville, Ohio, PP #601-07-028, as described in the application by AODK Architecture dated April 15, 2021, and attached plans contingent on City Council approval.

Setbacks of Existing Houses nearby	AODK Architecture	June 3, 2021
Site Plan	AODK Architecture	June 3, 2021
Lot Improvement Plan	Lewis Land Professionals Inc.	May 17, 2021
Specifications for Bioretention Areas	AODK Architecture	June 3, 2021

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Kirk Roman
Nays: None
MOTION CARRIED

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

CUPKOVIC ARCHITECTURE REZONING – 10909 CHIPPEWA ROAD

It was moved by Mr. Roman and seconded by Mayor Hruby that the Brecksville Planning Commission will hold a Public Hearing at 7:00 p.m. on Thursday, June 24, 2021, at Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio, to discuss amending the Zoning Map of the City of Brecksville by rezoning PP # 602-13-017 and PP # 602-13-018, located at 10909 Chippewa Road, Brecksville, Ohio, from R-20 Single Family to O-B Office Building.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Kirk Roman
Nays: None
MOTION CARRIED

The Regular Meeting closed at 8:12 p.m.

THE BRECKSVILLE PLANNING COMMISSION

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Present: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Kirk Roman
Absent: Ron Payto, Dominic Sciria
Others: Eric Hall, Gerald Wise and approximately 16 guests

Mr. Roman opened the Work Session at 7:44 P.M.

AVATONY HOLDINGS, LLC FRONTYARD SETBACK – 8035 PERSHING DRIVE

Mr. Lucas Staib, AODK Architecture, was present to request a 60 foot frontyard setback be established for a new home to be built at 8035 Pershing Drive. This issue was discussed at an earlier Public Hearing. A 60 foot setback would be in compliance with the current Code and was the setback of the existing house on the lot. Mr. Bandsuh asked if the house plans would come back before the Planning Commission after a frontyard setback was established. Mayor Hruby responded that for this particular property it would not come back to the Planning Commission. If plans were in compliance with City Code, the approval process would proceed. If there were variance requests, plans would require Board of Zoning Appeals consideration. It was Mayor Hruby's intention, because of the level of controversy, to refer the plans to the Design and Construction Review Board to determine if a building permit should be issued.

Mr. Bandsuh asked who, for the City, would be reviewing Mr. Wise's documented list of concerns relative to storm water management requirements for this single family home. The Mayor noted the Building Department would be assessing those engineering aspects of the development plan.

Mr. Lahrmer asked who could refer the home plans to the Design and Construction Review Board. The Mayor said anyone, including any resident, could refer the plans to that three member Board, which consisted of a broker, an architect and an engineer. Mr. Lahrmer pointed out that since house plans were not going to be submitted to the Planning Commission, perhaps the residents should make their concerns known to the Design and Construction Review Board, whose meetings were public. The Mayor assured the public present that when the applicant applied for a building permit the Building Commissioner would be instructed not to issue a permit until such time as the home plans could be reviewed by the Design and Construction Review Board and the residents' concerns considered.

Mayor Hruby pointed out that the applicant had the right to have the Commission establish a setback for the home. It was the Planning Commission's responsibility, at this point, to establish a frontyard setback. Establishing a frontyard setback did not, necessarily, mean a building permit would eventually be issued for the home. Not establishing a setback could leave the City open for a legal challenge that would probably be successful. The Work Session recessed into the Regular Meeting for a motion.

CUPKOVIC ARCHITECTURE REZONING – 10909 CHIPPEWA ROAD

Mr. Noel Cupkovic was present with a proposal to convert the Unity Church building at the intersection of Chippewa Road and Wiese Road to an office building for his architectural firm. The 1.78 acre property was currently used as a Class A Community Facilities permitted in an R-20 zoning district. The request would be to rezone the two parcels of the property under Code Section 1199 to O-B, Office Building. Mr. Cupkovic indicated he has executed a purchase agreement with the church. Considerable renovations to the church building, including additions to the building, were planned. Mr. Cupkovic's business was currently located on Rockside Road in Independence. He anticipated 16 full-time employees at the new proposed location.

Mr. Cupkovic would like to have the rezoning issue appear on the November ballot, which would require an ambitious and very tight schedule, starting with the Planning Commission setting a public hearing this evening. At some point the two parcels would need to be consolidated into one. After the renovation the frontyard setback would remain non-conforming as it is today. The parking setback off Wiese Road would not meet the 50 foot Code requirement as it does not currently.

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Mr. Wise indicated there were no plans yet for an engineering review. He expected storm water management would have to be included with the new plan. If the property was rezoned he would need to review the civil plans for the project.

Mr. Cupkovic planned to submit some initial plans and renderings before the public hearing to give the Commission and the public an idea of what they would be voting on. The Mayor pointed out that absent plans to review a recommendation to City Council on June 24th would just reflect approval of a change in use of the property and not approval of any specific building plans.

The Work Session recessed into the Regular Meeting to set a Public Hearing.

The Work Session closed at 8:12 p.m.

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