

**MINUTES OF PUBLIC HEARINGS
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
June 8, 2015**

Present: Kathleen Roberts Carl Opatrny, Robert Hasman, Mayor Hruby,
Kimberly Veras, Dennis Rose

Absent: Bruce McCrodden

Others: Building Inspector Synek, 1 guest

PUBLIC HEARINGS

APPEAL 2015-18

Pulte Homes for (1) a variance from Section 1181.11(a) maximum roof area over 30 ft. is limited to 20% of ground floor to allow 75%, and (2) a variance from Section 1181.11(a) maximum building height of 30 ft. to allow 36 ft. 4 in. and (3) a variance from Section 1181.11(a) maximum overall height of 40 ft. to allow 48 ft. 6 in. for the construction of new houses located on Woodlands Drive and River Birch Run PP# 605-22-013, 605-22-014, 605-22-015, 605-22-018, 605-22-019, 605-22-021, 605-22-022, 605-22-023, 605-22-024, 605-22-025, 605-22-026, 605-22-027, 605-22-028, 605-22-029, 605-22-031, 605-22-033, 605-22-037, 605-22-038, 605-22-039.

Mr. Keith Filipkowski spoke to the Board regarding his appeal. He stated that he is requesting a variance for the aforementioned lots which was suggested by the Board of Zoning Appeals members.

Mr. Rose asked Mr. Synek if we consulted with the Law Director to make sure that this approach was appropriate for this situation. Mr. Synek stated that we had not, basically we have written this up as one variance, but charged for each lot. Mr. Rose asked if we had given notice to each lot, Mr. Synek stated that notices were sent out to each.

Mayor Hruby clarified that we had 19 lots and asked Mr. Filipkowski if each potential homeowner would be made aware of the fact that there were variances granted when they looked at the lots. Mr. Filipkowski stated that the lots have not all been sold. There is a predetermined portfolio of elevations and plans that are available to their customers. He stated that they would certainly be made aware of any home that has required a variance with a homeowner on it. The portfolio available to future homeowners is no different than the existing homeowners that live in the community, and are all predetermined and shown in the sales model. Mr. Rose confirmed that the previous owners were given the same information as well. Mr. Filipkowski stated that was correct. Mr. Rose confirmed

with Mr. Synek that everyone received a notice of this appeal. Mr. Synek stated that was correct. Mr. Filipkowski stated that a notice was posted. Mr. Synek added that everyone did receive a notice, but all lots are still owned by Pulte Homes at this time. Mr. Filipkowski explained that technically yes, but they have given notice to homeowners. Mr. Rose also confirmed with Mr. Filipkowski that their architect/engineers have done their homework regarding the numbers they have presented to the Board. Mr. Rose wanted to make sure that they were confident that they would not need to come back. Mr. Filipkowski stated that he was the one that did the analysis. He took the footprint and took the worse grading condition applicable in the neighborhood and combined the two and that is how he came up with the numbers. Mr. Rose asked what if someone wanted to build the largest home possible, would they need to come back for a variance. Mr. Filipkowski stated that he felt he had everything covered; the largest roof structure with the smallest amount of square footage gives you the worse percentage. He added that even though he would not know the exact numbers until he ran them through the civil engineer, you get your plot plan and your height established. He went on to say would there be a small chance, worse case scenario that they may be off, he stated yes, but felt he covered pretty much everything there. Mr. Rose felt that he gave himself a wide enough margin. Mr. Filipkowski agreed.

Mayor Hruby clarified with Mr. Synek that we charged for each lot even though it was one variance. Mr. Synek stated that was correct. Mayor Hruby wanted to confirm with Mr. Filipkowski that he will not be back in front of the Board for another variance, that when talking with potential homebuyers he would stick to the numbers presented. Mr. Filipkowski stated that he didn't feel they would find themselves in that situation; he worked the numbers so that they should be covered. His only concern is that the grading terrain would be more extreme than what he calculated for, but he couldn't imagine that would be the case. There may also be the scenario that they purchase more lots, and would then need to come in front of the Board again for those, because those lots weren't covered in this variance. Mr. Filipkowski stated that other than that, the Board should not expect him back. Mayor Hruby asked if Pulte anticipated needing these variances when they were laying out these lots. Mr. Filipkowski explained that it was a matter of timing with respect to how far along they were with their designer portfolio, and when they became aware with the needs to comply and what those numbers were. Before they started selling they knew, but there was a lot of timing associated with it. Mayor Hruby stated that troubled him, and asked if they were going to build any houses to code. Mr. Filipkowski stated that there were many houses that complied with the code, but there are cases due to terrain and walk out basements that would not comply. He felt that any builder would have a tough time complying with the code the way it is written in those circumstances. Mayor Hruby asked how many of the homes that were sold so far needed variances. Mr. Synek clarified that we have issued eight houses and six out of the eight houses needed variances. Mr. Filipkowski stated that all six were terrain driven except for one.

Mr. Hasman confirmed with Mr. Filipkowski that the primary reason for the height variance was due to the walk out basements. Mr. Filipkowski stated that was correct. Mr. Hasman also clarified that if the ground was flat, and there were no walk out basements, most of the houses that they would build would not require a variance. Mr. Filipkowski stated that was correct as well. Mr. Hasman asked how many style of houses they offered. Mr. Filipkowski explained that they offer five different floor plans, six elevations per floor plan, with seven on one, for a total of thirty one elevations. Mr. Hasman clarified Mayor Hruby's question, that 80% of the homes that have already been sold required a variance. Mr. Filipkowski stated that those were on lots with terrain issues. Mr. Hasman asked how many of the homes required variances because of the architecture. Mr. Filipkowski stated that he did not do that analysis, but if he had to guess it would be around half. Mr. Hasman confirmed that the height is exceeded because of the footprint of the building in order to keep things uniform. Mr. Filipkowski stated that was correct, they are trying to preserve the style of the architecture. Mr. Hasman stated that he read an article that most new homes that are being built are bigger than ever before, so he imagined that most communities are encountering the same problem as well, if they have the same type of restrictions that our city has. Mr. Filipkowski agreed. Mr. Hasman then added that he felt it was the nature of the beast that as the houses get bigger, it almost requires them to exceed what the code allows which has been in place for a very long time.

Mr. Rose stated that Pulte Homes presented this variance with regards to five different models, but Mr. Filipkowski somewhat evaded to the fact that someone might come in with something different. Mr. Rose wanted to make Mr. Filipkowski aware that the Board would not give free rein to anyone who would want to come forward with a different builder, style, or something custom. The Board is only approving what Pulte Homes offers, nothing else. Mr. Filipkowski stated that he was in total agreement. Mr. Rose suggested that the appeal should be amended that these variances would only apply to the five model offerings by Pulte Homes.

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

**MINUTES OF REGULAR MEETING
BRECKSVILLE BOARD OF ZONING APPEALS
Community Room – Brecksville City Hall
June 8, 2015**

Present: Kathleen Roberts Carl Opatrny, Robert Hasman, Mayor Hruby,
Kimberly Veras, Dennis Rose

Absent: Bruce McCrodden

Others: Building Inspector Synek, 1 guest

APPROVAL OF THE REGULAR MEETING MINUTES OF MAY 11, 2015

Motion by Mr. Opatrny, seconded by Ms. Roberts to approve the Regular Meeting Minutes of May11, 2015 as recorded.

ROLL CALL: Ayes: Roberts Opatrny, Hasman, Hruby,
Veras, Rose

Nays: None

MOTION CARRIED

APPEAL 2015-18

Motion by Mayor Hruby seconded by Mr. Opatrny, that the Board of Zoning Appeals recommend to City Council approval for (1) a variance from Section 1181.11(a) maximum roof area over 30 ft. is limited to 20% of ground floor to allow 75%, and (2) a variance from Section 1181.11(a) maximum building height of 30 ft. to allow 36 ft. 4 in. and (3) a variance from Section 1181.11(a) maximum overall height of 40 ft. to allow 48 ft. 6 in. **for only the 5 styles of homes submitted by Pulte** located on Woodlands Drive and River Birch Run PP# 605-22-013, 605-22-014, 605-22-015, 605-22-018, 605-22-019, 605-22-021, 605-22-022, 605-22-023, 605-22-024, 605-22-025, 605-22-026, 605-22-027, 605-22-028, 605-22-029, 605-22-031, 605-22-033, 605-22-037, 605-22-038, 605-22-039.

ROLL CALL: Ayes: Roberts, Opatrny, Hasman, Hruby,
Veras, Mr. Rose
Nays: None
MOTION CARRIED

Mayor Hruby wanted to comment that he hoped the Board would confine their decision to something unique as this, and that in the future, somebody else would not come in with something that is similar. We changed our code some time ago to accommodate the percentage of roof and he just didn't want to see the Board start granting variances for similar situations. Mr. Rose agreed.

REPORT OF COUNCILMEMBER VERAS

Councilmember Veras stated that City Council passed all the items recommended by the Board of Zoning Appeals at the May 19, 2015 meeting.

REPORT OF MAYOR HRUBY

Mayor Hruby reported that Brecksville Home Days will be held June 26, 27 and 28, and hoped that everyone will get a chance to attend. Mayor Hruby also reported that there is a new Police Chief for the City of Brecksville, William Goodrich, who was sworn in at our last City Council meeting. He is the eighth Police Chief for the City. The Mayor stated that Lieutenant Dan Jereb did a remarkable job filling in until a new chief was selected.

Motion by Ms. Roberts, seconded by Mr. Opatrny to close the Regular Meeting at 8:01 p.m. **MOTION CARRIED**

THE BRECKSVILLE BOARD OF ZONING APPEALS

DENNIS ROSE, CHAIRMAN

KATHLEEN ROBERTS, VICE CHAIRMAN

ROBERT HASMAN, SECRETARY

Regular Meeting recorded by Gina Zdanowicz