



**Village of South Russell
5205 Chillicothe Road
South Russell, Ohio 44022
440-338-6700**

**BOARD OF ZONING APPEALS MEETING
Record of Proceedings
January 13, 2021 7:00 p.m.**

Members Present: David Maistros, Chairman, Laura LaChapelle, Andy Hitchcock, Mike Mulloy, Bill Stone
Other Officials: Bridey Matheney, Solicitor; Mayor Bill Koons, Ruth Griswold, Board Secretary, Sean Davis, Fire Marshal
Visitors: Emilie Unkrich, Sarah Richard, Valarie Mariola, Mark Mikolanis, Mali Rini, Katie, Richard Renton

David Maistros called the meeting to order at 7:01p.m. Board Secretary Ruth Griswold conducted roll call.

Mr. Maistros stated that the minutes from December 9, 2020, and the minutes from tonight's meeting will be part of a combined review and approval at the next Board of Zoning Appeals meeting.

CASE #20-BZA-09A 103 HAZEWOOD DRIVE-WILLIAM JOYCE OF JOYCE BUILDING COMPANY-SIDE YARD VARIANCE-REVISED AND RESUBMITTED FROM MEETING ON 12-9-2020

Mr. Maistros summarized the case before the board, stating that Mr. Joyce has revised the plans from the previous meeting on 12-9-2020, and that there is no need for a variance on lot coverage. Mr. Joyce is now requesting two side yard variances, one on both the east and west sides of the proposed new residential dwelling.

Mr. Maistros asked Ms. Matheney to swear in anyone present at the meeting who may like to speak on the agenda item. Ms. Matheney swore in the guests present.

Mr. Maistros asked Mr. Joyce to proceed with his presentation. Mr. Joyce said due to the suggestions and concerns brought up at the last meeting, they took the time to look at the proposed plans more closely. He said they took some of the suggestions and made some changes to the plans.

He said Mr. Maistros had asked him if he considered moving the house a little further east. Originally it was set at the 10' mark, because the 5 ½' variance had been given to the house at 105 Hazelwood five years ago, he was under the understanding this house had to be at 10'. He went on to say that because the house bumped back several times, he approached the neighbor to the east, Mr. Turchin, and asked him about the change, which he was totally fine with. Therefore, he said he was able to push the house 1' east to attempt to relieve Ms. Richard of some of the burden that would be on her property. He then sat down with the future homeowner, Mali Rini, and the architect. They worked together on reducing the house size even further. Mr. Joyce referred to the revised site plan, pointing out the minimum garage size, and that the porch and foundation was revised but still presents a nice entryway with curb appeal to the neighborhood. The width of the house was reduced by 16", thereby reducing the variance request of 46" on the west side to 18 ¾" at its closest point. When looking at the site plan, the front of the house where the porch is, the lot does pinch a little bit over the depth, so that the left side variance is 2 ¾" and then at the rear of the staircase where it juts out it is a maximum of 18 ¾". In order to do that and maintain the rear yard setback, they reduced the size of the porch from 14' to 13.33' to keep the house within the other setback requirements. He said he also spoke to the neighbor to the west, Sarah Richard, who is impacted most by the 18 ¾", and she had asked that they make sure there would be a swale on the property at 103 Hazelwood to prevent water from coming onto her driveway. Mr. Joyce assured her that there would be a swale and went on to say they would also consider landscaping the property line alongside the building. He said Ms. Richard had requested perhaps some tall, narrow arborvitae type trees, and that they are also open to other suggestions such as intermittent fencing or other planting.

Mr. Maistros asked if Mr. Joyce has anything else he wanted to say at this point. Mr. Joyce said that, from the standpoint of being thorough, variances are usually given if the design and purpose of the lot is not being changed, and although it is a very restrictive lot, they took all of that into account. He said of all the new homes that are being built, he believes this house is the narrowest, to try and reduce the amount of variances necessary while still maintaining the nice look of the home and having it be very usable for the homeowner. This house will not have any effect on the school system, snowplow access, garbage pick-up, mail delivery, or any other governmental services.

Mr. Maistros acknowledged and quoted from an earlier email received from Nick Turchin, of 105 Hazelwood, stating that he was planning on attending the meeting, but thought it was next week. He did have a conflict and was unable to attend but "wanted to let the building department know that I have no issues with the variance that Bill Joyce is requesting. Hopefully this matter is resolved tonight, and Bill can proceed in building this new house."

Mr. Maistros recalled the meeting on December 9, 2020, and how many residents attended and spoke, and that their input was very appreciated. He noted many are present again tonight, and he asked that the focus at this meeting be on new issues only, or things that were not said at the last meeting. He said everyone would be given the opportunity to speak, but he wanted to call on Sarah Richard first, her being the neighbor most impacted, as Mr. Joyce said. He wanted to hear her position on the proposed site plan.

Ms. Richard said she had talked with Bill and Mali, and she knows ultimately that there will be a house there, so it's best to agree and get everybody on the same page. She said the main issue for her is being able to keep her privacy. She said since the house butts up right to her driveway, she can't do anything, she can't put anything down. She said she wants to make sure that that is put into writing, and indicated on the plans, that she will have that privacy, whether it's from the arborvitae or fencing. Mr. Maistros said that is certainly understandable, and asked Ms. Richard if it was her understanding that the fencing would be on her property or the 103 Hazelwood property. Ms. Richard said the fencing would be on 103, since there is no room for her to do it on her property, adding that her property ends within an inch or two of her driveway, which is why she wants to make sure they do it on their property, since she has no ability to do anything on her property. Mr. Maistros asked her if that becomes a condition of approving these variances, does she feel comfortable that she would be able to work out the details with Ms. Rini and Mr. Joyce, as to the exact nature of that screening when the time comes, or would she like the board to work out the specific details of the screening now. Ms. Richard said she feels that the three of them could come up with something.

Mr. Maistros then called on board members for questions or comments, starting with Bill Stone. Mr. Stone said he appreciates the changes made, and the impact, in siting the house, centering it more and moving it away from Ms. Richard's driveway. He asked Mr. Joyce what the total finished square footage of the house would be. Mr. Joyce said the first and second floor totals 2,402 square feet. Mr. Stone asked what the total would be when adding in the basement. Mr. Joyce said he is not 100% sure of that, but basically the basement would be a finished rec room and maybe a half bath, maybe 600 square feet. Mr. Stone said with that, it's basically closing in on 3,000 square feet. He asked what the foundation-to-foundation measurement is on the rear, east side, between the proposed house and 105 Hazelwood. Mr. Joyce responded 14.58'. Mr. Stone said that Ms. Richard had asked many of the questions he was going to ask regarding fencing and screening but wanted to know if Mr. Joyce would be able to put a swale or a yard drain in between the houses. Mr. Joyce said more than likely there will be plenty of room for a swale, but if the water doesn't flow, they would need to put a yard drain in. Mr. Stone stated that he likes the idea that the screening has been brought up, and that he also likes that the house was pushed back further because the house at 105 is roughly 25' out from the house to its right, so it protrudes quite a bit, and to bring them back in line would be good. He asked if there has been any consideration or planning regarding front yard trees and screening, seeing as though there seems to be quite a wall of houses on these lots. Mr. Joyce said as of right now, there is no landscape plan, but that Ms. Rini has been considering landscaping ideas, but he's not sure if there will be a big tree in the front or foundation plantings. Mr. Stone said that might help with decisions. He went on to recall past issues with air conditioning units being disruptive to neighboring houses and asked that it be put into the plans that the air conditioning unit be situated in the back of the house within the footprint of the foundation. Mr. Joyce said he believes that it could be done that way. Mr. Stone then noted the increase of density in the area and asked if Dave Hocevar could comment on the condition of the storm sewers on the street. Ruth Griswold said that Mr. Hocevar was not in attendance but reachable by phone if need be. Mr. Stone said he just voiced his questions and considerations and is interested to hear from the other board members.

Mr. Maistros then called on Mike Mulloy. Mr. Mulloy said he has no additional questions, and that he appreciates the changes and revisions that were made, and the efforts by all parties to come to a resolution. He went on to say that he does like the idea of the screening, a natural barrier right on the property line, and he hopes it proves to be substantial.

Mr. Maistros then called on Andy Hitchcock. Mr. Hitchcock said looking back over where things were just a few weeks ago, such substantial progress has been made through conversations between the neighbors and the builder. He said that is fantastic, and that it makes the board members' job a lot easier. He said in looking over the code and trying to understand the pros and cons of ruling one way or another, there were a lot of things that stacked up against this. Whether it's the fact that Mr. Joyce knew he would need a variance before he purchased the property, and a number of other things. But chief amongst them was the impact to the neighbor and the variance being substantial. He went on to say that the revised plan and the conversations that have occurred have really limited those. The fact that the most impacted party is satisfied with the solution really helps the conversation. He had no other comments.

Mr. Maistros then called on Laura LaChapelle. Ms. LaChapelle said she agrees with Andy and Mike, and clearly things are moving in the right direction and that it appears, for the most part, that a lot of the issues and problems have been resolved or remediated. She said many of her concerns have been addressed with the changes to the plan. She said that while driving down the street and getting a sense of how close the houses are to each other, to her, neighbor input in this particular kind of situation is extremely important. She said she found many of the comments that were made to be very encouraging, and that she agrees with Bill Stone that this is the kind of situation where if everyone in the neighborhood is happy, it is clearly a win-win. She said she has no other concerns or problems.

Mr. Maistros then began addressing the guests in attendance for comments, starting with Mr. Renton. Mr. Renton said he lives across the street at 106 Hazelwood, and that Bill Joyce also built his house. He said he is very good to work with and that he builds a quality house. They worked their way through any variances that were needed, and also involved the neighbors. He said they have been happy, and that he wanted to attend the meeting to support Mr. Joyce and to see how things are going across the street.

Mr. Maistros then called on Sean Davis. Mr. Davis said he was asked to attend in the event that anyone had any questions regarding fire-fighting considerations. Mr. Maistros asked Mr. Davis if, regarding side yard variances and houses being situated this close together, if he had any concerns from a safety services standpoint. Mr. Davis responded that he does not have any concerns of loss of life, he said he just wants everyone to understand that when houses are close together, and when one catches on fire, other will have damage due to proximity and the way heat radiates. In this particular scenario, the fact that there are hydrants, and that the local fire department is an ISO Class III, damages should be minimal. He went on to say that there are definite tactical and strategic type scenarios that would be taken into consideration for houses that are closer to each other. This would involve different placement of ladders, changes in rescue and initial attack or deployment of initial

resources. Nothing that can't be overcome, but it certainly makes for different considerations. Mr. Maistros thanked Mr. Davis for joining the meeting.

Mr. Hitchcock asked Mr. Davis if, when talking about putting in the natural screening such as arborvitae, does it cause a safety concern or an issue, as far as what's going to be there in a couple years versus what's not there now. Mr. Davis stated that if a natural clean hedgerow is kept under control it should not be an issue. If they were to get out of control, it could potentially become more fuel for the fire, and it could also limit access to the other buildings. He would say that most firemen would prefer a natural hedgerow as opposed to a fence, which becomes a significant barrier that is difficult to get around. He went on to say that it's tough to move a 200' hose line, putting out 125-150 gallons per minute, around a 100' fence. This would take time to redeploy and move in the event that the fire spreads out of control. He said a hedgerow, even if one has to stomp a hedge or two, makes it easier to get to where one has to be.

Mr. Maistros then called on Emilie Unkrich, asking if she would like to speak tonight. Mrs. Unkrich said she did not wish to speak, but thanked Mr. Maistros for asking.

Mr. Maistros then called on Mark Mikolanis. Mr. Mikolanis said he had nothing to add to the previous support that he has already voiced.

Mr. Maistros then called on Valarie Mariola. Ms. Mariola said she had two questions. She wanted to know the change in the square footage and lot coverage from the previous plan. Mr. Maistros said Mr. Joyce will address that and asked what the next question was. Ms. Mariola asked Mr. Davis if, when putting two houses closer together, for fire suppression you would need more water to do that. She said she knows that there is a fire hydrant right across the street from 101 Hazelwood and asked what the output of the water source is and could it sustain water supply to contain a fire if something should happen. Mr. Davis said while he is not familiar with the flow rates of that particular hydrant, he does know that the Chagrin Falls Fire Department, who is the primary, has auto-aid from Russell, which would bring a tanker. The amount of initial water from Chagrin Falls Fire Department, the hydrant, even if it is limited, and the mutual aid companies is more than enough to handle initial company operations. In regard to the square footage question, Mr. Joyce responded that he believes the footprint was reduced by 140 square feet. Mr. Maistros said that with the information that the board has, the house thereby meets the 35% lot coverage, and asked Mr. Joyce to confirm. Mr. Joyce said that the land coverage was not recalculated because Mr. Hocevar said the lot coverage was no longer an issue. Mr. Maistros noted that the plans indicate a minimal reduction in size, and agreed that Mr. Hocevar said land coverage was not an issue. He asked Ms. Mariola if she had any further questions, to which she responded that she would still like to know why Mr. Hocevar feels the land coverage is not applicable.

Mr. Maistros then called on Katie. Katie said she has no further comments.

Mr. Maistros then called on Mali Rini. Ms. Rini was having technical difficulties and could not respond.

Mr. Maistros asked if there was anyone he had missed, and there was no response. He then called on Sarah Richard again and asked her if there was anything she would like to add after hearing all the comments. Ms. Richard did not have any further comments.

Mr. Maistros then called on commission members for any further comments. Mr. Stone said as he was looking through the Duncan factors and he is unable to check all the boxes on it, but he does have four versus three. However, he feels that the two adjoining neighbors, those who are most impacted by it, puts heavy weight on that, and less on the Duncan factors. He asked how other board members felt about that.

Mr. Maistros said that having heard board members' comments, he thanked Bill and said he also follows those factors for criteria that the board follows, and that they are laid out in detail in the code.

Mr. Maistros went on to thank Mr. Joyce, Ms. Richard and Ms. Rini for getting together over the last month. He said he agrees with everyone else that the changes that have been made, while we're talking about inches here and a foot there, are significant for the overall impact as it relates to both of these properties. He said what was seen a month ago had an impact on only one property, that of Ms. Richard's, and no impact on the other property at all. He said moving the house and narrowing the porch shows a significant compromise and willingness to make this work. At the end of the day, Ms. Rini and Ms. Richard will be neighbors for hopefully a long time and they have to get along. He said while it's fair to say that Mr. Joyce knew the zoning on the property prior to purchasing it, he thinks he has presented a house that is substantially significant and consistent with the other properties in the neighborhood. He said he believes the square footage and the footprint as it relates to other homes is also consistent and does not impact the overall character of the neighborhood. He went on to say that the impact of the variance itself has been minimized significantly from where we were a month ago, and while the board could take the position that the builder could simply build a smaller home for that lot with no variances needed, he said he believes they are trying to create both a home that works for the potential owner and the neighbors as well. He said for those reasons, he will proceed with making the motions.

Mr. Maistros made a motion to grant a 1'6 ¾" side yard setback variance on the west side of the property, with the following conditions:

A swale shall be indicated on the plans and be placed between the properties of 103 and 101 Hazelwood and that screening shall be installed on the 103 Hazelwood property between 103 and 101 Hazelwood in order to provide privacy protection for 101 Hazelwood. The screening can be either fencing or plantings, or a combination of the two, to be worked out at the time of installation between Mr. Joyce, Ms. Rini and Ms. Richard. Seconded by Andy Hitchcock.

With no further discussion on the motion, Mr. Maistros asked for roll call. On roll call vote, motion carried.

Mr. Maistros made a motion to grant a 1' side yard setback variance on the east side of the property at 103 Hazelwood. Seconded by Andy Hitchcock. With no further discussion on the motion, Mr. Maistros asked for roll call. On roll call vote, motion carried.

Mr. Maistros stated that both variances requested have been approved, and again thanked the parties for working together and that their efforts are very appreciated.

OLD BUSINESS:

None.

NEW BUSINESS:

Mayor Koons reminded everyone of the next meeting, February 17th. Mr. Maistros asked if there were any agenda items for that meeting, Ruth Griswold responded there are no submittals yet.

Ms. Mariola requested an email copy of the meeting minutes.

There being no other business, Mr. Maistros motioned to adjourn the meeting at 7:38. On roll call, the meeting was adjourned.



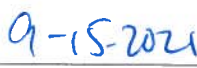
David Maistros, Chairman



Date



Ruth Griswold, Board Secretary



Date