



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

**BOARD OF ZONING APPEALS MEETING  
April 21, 2021 7:00 p.m.**

**Members Present:** David Maistros, Chairman, Laura LaChapelle, Andy Hitchcock, Bill Stone  
**Other Officials:** Bridey Matheney, Solicitor; Mayor Bill Koons, Dave Hocevar, CBO, Ruth Griswold, Board Secretary  
**Visitors:** Robin Rood, Greg Heilman, Nick Nykulak, Chris Bell, Caroline Smith, George Plazek, Linda Gilbert, Doris Gilbert, Anne Burr, Ann Wishart

David Maistros called the meeting to order at 7:00p.m. Board Secretary Ruth Griswold conducted roll call.

Board member Mike Mulloy was absent.

Mr. Maistros motioned to approve the minutes of the BZA meeting on March 17, 2021. Ms. LaChapelle seconded. On roll call vote, the motion carried.

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

**CASE # BZA 21-01: MR KEN ASHBA OF BELL MARKET EXPRESS, OWNER OF GULF STATION AT 5196 CHILLICOTHE ROAD-LED READER BOARD SIGN.**

Mr. Maistros indicated that pertaining to the Bell Road sign, the board members have received copies of two notices of violation, two zoning permit applications, an email complaint dated 1-29-2021, and photos of the sign. He said the board members also have received and reviewed a copy of the Planning Commission minutes from the meeting on March 11, 2021.

Mr. Maistros asked Ms. Matheney if this request would be for a Use Variance since the code strictly prohibits this type of sign. Ms. Matheney said since it is not a permitted use, the board would need to apply the standards for a Use Variance, not an Area Variance.

Mr. Maistros addressed the members and referred to Section 3.07 (c) (1) which says, "*Variances to use regulations may be granted only to the following extent: (a) The property cannot be used for any permitted use within the district, and (b) The variance would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located and (c) The variance shall be the minimum necessary in order to provide adequate relief to the property owner.*" He said therefore, the criteria and standards are a little different than what the board normally deals with. He then referred to the portion of the code which addresses the sign regulations that come into play, section 5.06 (a) (5), which talks about illumination. "*The illumination of signs shall comply with the development and performance regulations of this Code. Signs which might be identified as traffic signals or other safety devices shall not be permitted. In no case shall blinking, flashing, neon or neon-type, moving or other such signs be permitted.*"

Ms. LaChapelle asked for confirmation that the Market Express sign, referenced as a cloud sign, was not an issue. Mr. Hocevar confirmed that as being correct.

Mr. Maistros then addressed Mr. Ashba and said that after reading the Planning Commission meeting minutes, they have a good history as to how the submittal got to this point, and asked him to speak on his own behalf, as to what he was requesting and why.

Mr. Ashba said when the process began, he told the sign manufacturer and his team, who wanted to sell him the signs, to go through the process of attempting to get permits for the signs, and that he didn't think they would get approval. He said the next thing he knew they were at the Architectural Review Board and they were approved. The sign manufacturer then told him they were done and could put up the signs. He went on to say that apparently there was a miscommunication as to all the required processes, which became evident when he received the first violation notice. Mr. Ashba said he felt the Planning Commission meeting was an attack on him and the Mayor, and that it seemed as though the board members had decided against the sign before any word was spoken. He said the sign was installed and they thought it was correct. He emphasized that the sign is not neon, and it will flash and go from screen to screen if it is set up that way, which it doesn't have to be. He said when the sign was first installed, it was at 100% illumination, which he agreed was too bright. He said they took it down to 15% illumination prior to being advised to turn the sign off altogether. He went on to say that the sign is no more of a distraction than many other things, and that having the sign set at the lowest possible brightness, it is almost unreadable from a distance at night. He suggested being permitted to have the sign on only during business hours, and he would have a one unchanging message for the day. He reiterated his commitment to being part of the South Russell Village community, offering to have the sign share any messages that the Village would like to announce to the community. He said many of the surrounding communities have some sort of a reader board for their community. He said whatever action the board deemed necessary; he will comply. He then asked Dave Hocevar if he was permitted to put signs inside his window. Mr. Hocevar said they cannot be blinking or neon, and that limited signage may be allowed but could

not clutter the allowed area. Mr. Ashba said his preference would be to leave the sign in place, with necessary restrictions imposed by the board, and to move on.

Ms. LaChapelle asked if the message on the sign changes, would it then be construed as a general advertising sign. Mr. Hocevar said yes, it could be. He went on to say that Mr. Ashba's statement regarding the events that transpired was correct, but that he had never seen the application for the LED sign, the contractor just passed out the photo of that sign at the ARB. The ARB went on to approve the sign. The contractor never obtained a zoning or a building permit for the signs that were installed, and there was incorrect and misleading paperwork submitted by the contractor.

Mr. Maistros said the way the Board of Zoning Appeals would review this submittal is without casting fault or blame on the applicant or property owner. He said the board would treat this as a request for a sign that does not necessarily comply with the existing code. He said he read the Planning Commission minutes, and that he understood Mr. Ashba's characterization of that meeting, but that being said, the Planning Commission denied this submittal, and he consulted with Ms. Matheney as to what options the BZA has. Ms. Matheney said the sign went before the Planning Commission because of a section in the zoning code requiring the erection of signs in the business or industrial district to go before them for review. The question was if a sign on a wall, regardless of the LED component, should be considered an erection of a sign. She said the Planning Commission review was discretionary.

Mr. Ashba said he felt the Planning Commission review was a premeditated and hostile attack, and upon hearing that the review of the sign may not have been necessary he felt they used the loophole in the code to necessitate the sign be reviewed by them.

Ms. Matheney advised the board that the discretionary review was allowed per code, but that the Planning Commission's approval is not required. She reiterated to Mr. Ashba that the Board of Zoning Appeals is a separate board and what happened at the Planning Commission meeting is immaterial.

Mr. Maistros asked the board members for their questions or comments, starting with Laura LaChapelle. Ms. LaChapelle thanked Mr. Maistros for clarifying that the higher standard being applied would be for a Use Variance. She said given those restrictions and parameters, she would find it especially difficult to overcome the first obstacle which states, "*The property cannot be used for any permitted use within the district*". She said she frequently patronizes the Bell Market Xpress, and she has, for the most part, no issues with the business, but she is concerned that the sign may be a distraction to the traveling public.

Mr. Ashba suggested a study from the sign manufacture if that was available. Ms. LaChapelle said getting past the first element would still be difficult.

Mr. Maistros then called on Bill Stone. Mr. Stone said, in the past, they have deferred some sign issues to Chief Rizzo, and said that may be something they should ask about in relation to this sign. Mr. Maistros asked if there had been any input from safety services. Mr. Hocevar said not yet,

although they could request it if need be. He said there was a concern when the sign was blinking and at 100% brightness, but there have been no complaints since it was turned down. Mr. Stone said he also understands Ms. LaChapelle's concerns.

Mr. Maistros then called on Andy Hitchcock. Mr. Hitchcock said his only question was regarding the number of complaints received from the community, and he asked if there were any complaints other than the one, when it was at full brightness. Mr. Hocevar confirmed that there have been no other complaints that he is aware of.

Mr. Maistros said he agrees with Ms. LaChapelle regarding the first prong of the three elements the board is faced with, that the property cannot be used for any permitted use within the district, and obviously it can. He said from his standpoint, the second portion of the code is troubling because it says, "*The variance would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located*" and his concern is that it appears that this restriction on the illumination is a safety concern, or at least enacted due to safety concerns, since it says "*Signs which might be identified as traffic signals or other safety devices shall not be permitted. In no case shall blinking, flashing, neon or neon-type, moving or other such signs be permitted.*" He said he would not be able to vote in favor of the variance to the use request without something from the sign manufacturer and safety services indicating results showing there is no safety concern if the sign were to operate in its current form. He went on to say that the point may be moot if the board cannot get past the first prong, but that the safety aspect is his biggest concern.

Ms. LaChapelle referred to page 53, Section 5.06, sub section A1, and said, "*All signs defined in Chapter 2, except general advertising signs, shall be permitted according to the following provisions...*" She said it almost sounds like there is a general prohibition against general advertising signs, and a general advertising sign is a sign, "*directing attention to a business, product, service or entertainment, conducted, sold or offered elsewhere than upon the same lot on which the sign is located.*" She said this sign sounds like a general advertising sign and asked if that would apply in this case.

Discussion followed regarding the classification for this sign versus a general advertising sign.

Mr. Hocevar said the code was put into effect because they were seeing portable blinking signs put up on the corner of 306 and Bell, to advertise for places in Chagrin Falls and on East Washington Street.

Mr. Ashba asked if that would prohibit the community from utilizing the sign for fundraisers, car shows, etc. He once again said the community needs to communicate with the community, and if it's not his sign he suggests the Village put one up somewhere else.

Mr. Maistros asked the board if they felt it would be beneficial to obtain a report from the Police Department or the sign manufacturer concerning any studies that have been done regarding the distracting nature of the sign.

Mr. Stone said that is probably something that may help them make the decision, given that there is no current code regarding the newer L.E.D. brightness.

Mr. Ashba said he is willing to defer to the Chief of Police, since the manufacturer will only provide a generic study and not contain any guarantees that it won't be a safety concern.

Mr. Hitchcock said he has driven past the sign when it was on, and that it really didn't bother him, but he could understand someone else being distracted. He said if the brightness was kept at a low level, he doesn't see it as that big of a deal, although that is only one portion of the decision criteria. Even with safety force's opinion, it would still not get the board past the first prong of the decision criteria.

Mr. Maistros said he agrees with Andy, and that he drove westbound and also from all other directions at night. He was focused on the sign and didn't feel it was a problem. He said however, the code is what it is, and whether or not they could grant a Use Variance for this type of sign.

Mr. Maistros said he would make a motion based on the information in front of them tonight. The variance request is to vary from Section 5.06(a)(5) in the Village of South Russell Code, which, as written, prohibits any blinking, flashing, neon or neon-type signs, moving, or other such signs in the district. He said the criteria before the board is 3.07(c)(1)(a)(b)(c), which the board has been discussing.

**Mr. Maistros made a motion to grant the variance from Section 5.06(a)(5) to allow the sign that is currently standing to remain. Mr. Hitchcock seconded.**

**Mr. Maistros asked for any discussion on the motion. Ms. LaChapelle said if this had been an Area Variance, the board would have a little more flexibility, but the Use Variance threshold is much higher. Mr. Maistros said he is in full agreement with Laura's statement. Mr. Stone asked if there should be any restrictions on the operation of the sign put into the motion, to avoid opening up any floodgates for the installation of these types of signs. Mr. Hitchcock agreed about hours of operation and discussion followed regarding possible conditions as it relates to brightness level. Ms. Matheny said the conditions in the motion would not be universal, it would only apply to this particular sign for this property. Mr. Maistros made the following conditions to the motion on the table: that it does not exceed a brightness level approved by the Chief of Police, that it only operates when the business is open, and the information on the sign be a single daily message and not be a rotating informational sign. He asked board members for comments regarding the conditions that were just placed. There were none.**

**Mr. Maistros asked for roll call on the motion with the amended conditions. On roll call vote, the motion was unanimously denied.**

**CASE #BZA 21-02: MR BRAD CAMOSO OF PREMIER CUSTOM BUILDERS, APPLICANT AND OWNER'S REPRESENTATIVE. TWO VARIANCE REQUESTS AFTER LOT SPLITS AND CONSOLIDATIONS.**

Mr. Maistros asked Mr. Camposo to present his request to the board. Mr. Camposo indicated that the property owner, Nick Nykulak, was also present to answer any questions. He said Nick purchased two existing flag shaped lots that go back narrow and flag out at the rear of the property. He said they met the new neighbors, the Smiths, and they talked about the wetlands that cuts through the rear of the property. He said the only way to get back there without constructing a very expensive bridge was an existing path to get across that portion of the stream. Mr. Camposo wanted to make it clear that they were not asking to create another lot. Mr. Nykulak said they did not change any of the lot frontages. He said when he purchased the two lots, the frontage on both lots were 50' and sometime in the early 2000s, the lots were split apart, with the frontages remaining at 50'. Mr. Hocevar said that is correct.

Mr. Maistros clarified that the only issues before the board were the lot frontages, but also that the lots have never met the 150' requirement. Mr. Hocevar said that is correct, and they will have to comply with the frontage aspect at the building line, they just don't have the frontage on Bell Road. Mr. Maistros also confirmed that the last recent lot split and consolidation had not changed the frontage aspect, Mr. Hocevar said yes that is correct. Mr. Maistros asked if the frontage would have had to been approved at some prior date by a board. Mr. Hocevar said he is pretty sure that he has some documentation on that as to when the 50' frontages were approved. Mr. Maistros said that the submittal is before the board tonight because the flag portion of the lot is what is different, and Mr. Hocevar agreed, saying that the reconfigurations did not affect the frontages, which did not change at all.

Mr. Maistros asked for comments from board members, beginning with Laura LaChapelle. Ms. LaChapelle asked if it were true that the lots would be unbuildable without frontage variances. Mr. Camposo said that is correct, and Mr. Hocevar agreed. He went on to say that the code requiring 150' frontages was meant to discourage flag lots, but there have been quite a few in the past, as long as the structures still meet the 150' at the building line. Ms. LaChapelle said it is significant that Mr. Hocevar said the flags lots were already created, and these lots have been undeveloped for quite a while. She said her only issue would be the narrow driveways, and she asked if that would adversely impact access for fire trucks or any other governmental services. Mr. Hocevar said the same situation exists throughout the Village, and there has never been an issue. The site plans must be approved by the Village Engineer, and flag lots exist with Board of Zoning approval. Ms. LaChapelle asked since there are similar conditions existing in other parts of the Village, would this substantially alter the character of the neighborhood. Mr. Hocevar said it would not.

Mr. Maistros then called on Bill Stone. Mr. Stone said that upon reviewing the Duncan factors, his question would be if this variance would be the only way to profit from the property, as it is. Mr. Camposo said it was bought as two lots, which were sub-divided before the purchase, and they are recognized as two buildable lots, but without the frontage variance, they become unbuildable. Mr. Stone said they also do not have anything in the code prohibiting flag lots. Mr. Maistros said flag lots are generally discouraged from being created, but these are existing lots.

Mr. Maistros then called on Andy Hitchcock. Mr. Hitchcock asked if they were going to create a third driveway between the two, or will each lot have its own driveway. Mr. Nykulak said off the

street, there will be two standard 14' wide driveway entrances that will merge 150' back from the road and share an easement. He said aesthetically, they wanted it to look like two properties and have two mailboxes. He said they will be leveling off the land at the front and putting a new pipe in, so that it looks good from the street. Mr. Hitchcock said he saw Eric Haibach's initial assessment of the lots and asked Dave Hocevar if this variance is granted, would there be any additional restrictions anticipated with the lots. Mr. Hocevar said he has not seen the final site plans for the homes, but they may have to come back for variance setbacks or accessory structures.

Mr. Maistros confirmed that the variance request was for both lots; Mr. Hocevar said that is correct, they are identical variance requests for frontages of 50.2'. Mr. Maistros then referred to the email from Eric Haibach, indicating he would like to take a closer look at the capacity of the 36" culverts on the property and asked if the issue was still outstanding. Mr. Hocevar said it is outstanding and if the variances are granted, site plans will be submitted for each property, and they will go to Eric for approval.

Mr. Maistros asked for any questions or comments from the guests.

Mr. George Plazek, owner of property that abuts the eastern side of the lots before the board, spoke first. He said he feels the variance request is very extreme. He said he knows some variances have been granted, but he knows of none in the Village that would allow only a 50' frontage for two properties. He said he doesn't know if there would be a precedent set by granting this variance, but he is not in favor of it. He continued by saying there are other issues that need to be addressed, a lot of them having to do with the wetlands and the environment, and how building houses may affect the quality of the water and erosion concerns. He said he knows that ODNR will not allow water to be backed up into the culvert that comes out of the Plazek Lake and flows into what is now the Smith property. He said if there is any road building or driveways, they will have to keep in mind that they cannot back water up into that culvert. He said those are a few of the concerns he has.

Mr. Camposo addressed Mr. Plazek and said he understands his concerns. He said Mr. Nykulak has no intention to clear-cut the lot or dam up any streams. He said they met with a person from Soils and Water at the site, and they don't plan to put any other crossings on the properties, and they have also met with tree preservationists. Mr. Nykulak plans to clean up some invasive species in order to restore the natural areas. He said the Nykulak family will also be stocking the pond with fish. He said one of the reasons Mr. Nykulak purchased the property was for the natural beauty of it, and their intent is to preserve that.

Linda Gilbert was the next guest to speak. Ms. Gilbert said she is Mr. Plazek's niece, and that she also lives at the property, which has been in their family since 1926. She asked if there has been any consideration to preserving their privacy at the western border of their property. Mr. Camposo said there are two proposed house sites, and the most westerly site has a gulley or dry ravine that cuts the second house site in half, so as you're looking from the road, it makes the right side of the property unbuildable. He said he is planning to preserve his privacy as well, by staying as far to the left as possible when he builds his house.

Ms. Gilbert said they use their woods for nature observation and some relatives use it for bow hunting. She said they are not interested in seeing a large house from their property through the woods. She asked about how the placements of the houses would be handled. Mr. Maistros said the

issue before the board today is for a variance request for frontages. He said eventually, they will have to submit a site plan showing the layout of the houses and where they would be situated. Mr. Camposo said he would be building his house as far to the left as possible, and that neither he nor Nick is interested in clear cutting any part of the property.

Mr. Nykulak said he is very interested in getting to know his neighbors, but he understood the neighboring land to belong to the Chagrin River Conservancy. Ms. Gilbert said they have a conservation easement on their property with the Western Reserve Land Conservancy, which means there is a legally binding document that the land cannot be developed, although they still own the property, and it is considered their private property. Mr. Nykulak said one of the reasons he bought the land was because the conservancy guaranteed that land would never be developed. He said he is planning on only clearing enough trees to build his house, and leaving the surrounding woods intact. He said there should be no concerns regarding privacy because he doesn't want to see another house either. He said he hoped by purchasing 18 acres in Geauga County he could bury himself back in the woods. He said he looks forward to being good neighbors. Ms. Gilbert asked how the fragmentation of the environment would benefit them, since their conservation easement will be devalued since it would no longer contiguous be to larger, undeveloped property. Mr. Nykulak said he will be contributing to the tax base in the Village. He said his intent is to clear only enough to build the house, he has a forestry plan and a forestry expert who is helping him plant trees to make the forest healthier.

Mr. Plazek said one of their concerns is that there will be trees cut down, and the continued impact on wildlife, since their habitat would be destroyed. He said even though Mr. Nykulak plans on being a good steward of the land, the building of the two houses will still have a large impact on their enjoyment of the cherished family property.

The next guest to speak was Doris Gilbert, Mr. Plazek's sister, who also lives on the property. She was concerned about the very small frontage of the proposed properties. Mrs. Gilbert said the Village should not allow two houses with the frontage for one home. She asked Mayor Koons to explain further. Mayor Koons said he had visited Mrs. Gilbert twice to explain the situation, and he went on to clarify the likelihood of what her visual sight line would be. Mrs. Gilbert expressed concern that if the Village allows this, it would be setting a precedent and asked why they should not have to follow the rules and regulations.

Mr. Maistros said there are rules and regulations in the Village, and if a property owner requests to vary, or differ, from those regulations, that is called a variance. The applicant can make a request and it comes before the board; the board then considers granting the variance after considering seven conditions. He said the board then decides whether this particular request should be granted or denied, in their opinion, based on the criteria in the code. He said they do understand that the applicant is requesting a variance from the required 150' frontage.

Mr. Maistros asked board members for any further questions or comments. There were none.

Mr. Maistros recited the standards the board must follow: *Whether the variance is substantial*. He agreed the variance is substantial; the applicant is asking for a variance of 99.8' for each lot frontage, but that is not the only criteria for the board to follow. *The essential character would be substantially altered regarding adjoining properties*. He said while he hears the neighbors saying they do not want houses built next to them, the reality of it is, the property next to them is zoned



residential, and there was going to be a point in time where it was very likely that a house would be built on that vacant land. He said it is also very likely

that all vacant land that has not been conserved will eventually be developed. He appreciates and respects the neighbor's conservation of their property, but what they have before them is buildable property. *Whether or not the variance would adversely affect governmental services.* Mr. Maistros said this was addressed by Laura LaChapelle, and the answer to this is no. *Whether the applicant purchased the property with knowledge of the zoning restrictions.* He said he will assume that they did. *Whether or not this problem could be resolved in some other manner other than the variance.* He said in his opinion, it cannot be resolved in any other way because of the limited frontage of these properties. He went on to say that the first standard the board has to consider is *whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.* He said, in his opinion, if the 150' frontage requirement was strictly adhered to, this property would simply not be able to be developed under the conditions presented. He said that is the exact criteria that gives rise to a variance request. Having given his perspective, he went on to make the motion.

**Mr. Maistros made a motion to approve the frontage variances for 1576 Bell Road and 1580 Bell Road. Current code requires 150' frontages and the applicant is requesting frontages of 50.2', therefore the variance granted would be for 99.8' per lot, conditional upon the board receiving a definitive review and statement from the Village Engineer, Eric Haibach, regarding the existing capacity of the 36" culverts. Mr. Hitchcock seconded.**

**On roll call vote, the motion carried.**

Mr. Maistros thanked the applicants and the neighbors, and said he is hopeful that Mr. Nykulak will work with the neighbors to address their concerns as the project moves forward.

Mr. Nykulak thanked Mr. Maistros and inquired as to the possibility of the Mylar that needs signing by Village officials be executed prior to the minutes being completed.

Mr. Maistros addressed the board and said the question had come up as to when this board actually confirms the decisions it makes, and that there is a reference in the code that the board must take this action within 15 days after the public hearing. There is a reference to Form Z-6, which is an internal form that is used by the Village, that gets completed regarding the motion, the vote on the motion and any conditions that may be applied, which is essentially the check-off that allows the applicant to move forward with the project. He said traditionally it has waited until the next meeting when minutes get approved. He said he is not sure, while that process may have worked in the past, that it necessarily complies with the code and whether it is necessary, since the action was here tonight, the submittal being approved with conditions.

He asked that the motion be put in writing and reviewed by himself and the board as quickly as time allows, so the secretary can certify the actions of the board. He asked the board for any objections. There were none.

Ms. Matheney said because there were some objections from contiguous property owners, and should an appeal be filed, Mr. Nykulak must agree to the Village waiving the formalities with respect to Village officials signing off on the plat. She said other communities do this as well when there are time constraints for the applicant. Mr. Nykulak agreed to sign a waiver which would be created by Ms. Matheney.

**CASE #BZA 21-03: MR. ROBERT DARDEN, APPLICANT AND OWNER'S REPRESENTATIVE-REAR YARD SETBACK AT 120 FAIRVIEW ROAD**

Mr. Maistros thanked Mr. Darden for his patience and asked him to tell the board about his proposal. Mr. Darden said he is representing the property owners, Robert and Rachel Swartz, and he has been living at the house for about four years, with plans to continue living there a few more years. Their plan is to construct a deck that is 16' wide, the width of the house, and then 14' deep. The deck will not encroach the side property lines. He said the reason for the variance request is due to the 14' depth being too close to the rear property line, but there will be a distance of 34' from the rear property line. He said the lot is very narrow, and that it will be a small deck. He is requesting a 5.75' variance. He went on to say that the house directly behind him on Mapleridge Road is about 220' away from the back of the house he is in, as they have a much deeper lot.

Mr. Maistros noted that the lot Mr. Darden is building on and the one behind him are fairly wooded. Mr. Darden agreed, and said there are large trees between the properties, but he can see the neighbor's house, although it is quite a distance away. Mr. Maistros asked if he had had any conversations with the neighbor about the proposed deck. Mr. Darden said no, he does not know who lives there and has never even seen them. Mr. Maistros asked if the Building Department had received anything from any neighbors regarding this variance request. Mr. Hocevar and Ms. Griswold responded no, they had not. Mr. Maistros asked if anyone was present to speak for or against this issue. There were no parties present to speak on the issue.

Mr. Maistros called on board members to speak, starting with Laura LaChapelle. Ms. LaChapelle said she thinks it is significant that the house to the rear is a fair distance away, and that Mr. Darden is only requesting a variance of 5.75' for his deck. She went on to say that building a 9' deck would be very limiting.

Mr. Maistros then called on Bill Stone. Mr. Stone said he has been to the house and he feels that granting the variance would not harm anything.

Mr. Maistros then called on Andy Hitchcock. Mr. Hitchcock said his thoughts are in line with Laura's; the request is minimal and the wooded area between the lots really speaks to the privacy that will continue to exist.

Mr. Maistros agreed with all the members' comments.

**Mr. Maistros made a motion to grant a variance of 5.75' to the rear yard setback for the construction of a deck at 120 Fairview Road, as submitted by the applicant. Ms. LaChapelle seconded.**

**On roll call vote, the motion carried.**

There being no further business, Mr. Maistros motioned to adjourn the meeting at 8:34pm. Mr. Stone seconded.

  
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David Maistros, Chairman

9/15/2021  
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Date

  
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Ruth Griswold, Board Secretary

9-15-2021  
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Date