



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

BOARD OF ZONING APPEALS MEETING
Record of Proceedings
January 15, 2020 7:00 p.m.

(Editor's Note: These minutes are not actual verbatim transcript of the meeting but merely intended to be detailed synopsis of the discussion that took place during the meeting. It is the belief of the author of this document that all pertinent information has been included to represent an overview of the discussions and decisions reached.)

Members Present: David Maistros, Chairman; Laura LaChapelle, Bill Stone
Members Absent: Andy Hitchcock
Other Officials: Bridey Matheny, Solicitor; Mayor Bill Koons; Dave Hocevar,
CBO/Inspector; Nancy Grattino, Board Secretary

Visitors: Hank Kassigkeit, 48 Daisy Lane, South Russell
Samuel Costiuc, 731 Beta Drive, Mayfield
Bryan Fetener, 46 Daisy Lane, South Russell
Chris Woofter, 400 E. Washington, Chagrin
Paige Rabatin, 1425 E. 15th St., Unit 9, Cleveland, OH 44114
Mike Mulloy, 991 Bell Road, Chagrin Falls
Mitch Herman, 52 Daisy Lane, South Russell
Gary Neola, 1151 Sheerbrook, South Russell

Chairman David Maistros called meeting to order at 7:02 P.M.
Board Secretary Nancy Grattino conducted roll call.

Chairman Maistros switched the order of the agenda.

**CASE # 20-BZA-02: 1155 BELL ROAD – GURNEY ELEMENTARY – SIGNARAMA
MAYFIELD, APPLICANT – 9' VARIANCE REQUEST FOR LOCATION OF NEW
(REPLACEMENT) MONUMENT SIGN**

Ms. Bridey Matheny swore in anyone speaking this evening regarding this case.

Mr. Christopher Woofter, Operations Director for the school district of Chagrin Falls stated they are grateful to be able to present to the Board tonight a new sign for Gurney School. This came about from their principal and superintendent having a decent amount of feedback from parents and the community not being able to see the sign well. The sign that is currently there was installed 10 plus years ago, it is worn and seen its better days and they are trying to update that. When they looked at updating the sign, they wanted to update the location as well. Mr. Woofter stated Signarama has worked with them and did

a lot of work at the intermediate school with the newer signs and they were impressed with their work; so had them take a look at this sign as well. For a matter of the communities' interest, the funding for this is paid out of residual funds from the bond fund from the intermediate school construction. They were below the budget on the construction of that building. Mr. Woofter stated he will have Sam (Signarama) speak on the work that he has done in planning this, they will look for the Boards input and the next steps.

Mr. Sam Costiuc, with Signarama- Mayfield stated they are seeking two variances. The first variance is the height of the sign, he thinks they are about ½ foot over what is allowed. Primarily they raised it up for esthetics reasons and for visibility. The second variance is moving the sign to the location that is proposed in the drawings. They are asking to basically be 16' off the curb. There is a stake out there now if anyone wants to go out and take a look; that is where the sign is going to start. Mr. Costiuc stated he took the liberty of putting together, a rendering of what the sign will look like from the two advantage points up and down the street (passed out). Mr. Costiuc stated as they can see it should not impede any visibility either way. In fact, it will help with the visibility because now you cannot see the sign until you are right up on it and in many cases if you are going to fast you are going to flow right past it. Mr. Costiuc explained where the sign is currently located right behind the transformer boxes and stated you cannot see the sign from the one side of the road, he believes it is east. A lot of the visibility issues would be solved by moving the location of the sign to where they are proposing.

Mr. Costiuc stated he believes the codified ordinance requires a sign of this size to be set back 30 or 40 feet, which would put it at the edge of the woods and would be less visible than it is right now. That is why they are proposing 16'. He went out there, had surveyed everything and thinks this is the most reasonable place to put it. They are far enough away from First Energy utilities here that it should not impede them if they had to service those.

Mr. Maistros stated to Mr. Costiuc that he had mentioned that a height variance is also required and asked him to address that. Mr. Costiuc stated to Mr. Hocevar that they are allowed 6' and asked if that was correct. Mr. Hocevar stated 7'. Mr. Costiuc stated with 7', the height variance is not needed.

Mr. Costiuc stated they are also looking to put ground lighting for the sign, they would like that approved also, it is part of the proposal. He is not sure if that is a zoning thing or a building. Mr. Maistros asked Mr. Hocevar, the ground lighting would not be part of this Board, is that correct. Mr. Hocevar stated correct. Mr. Maistros stated the sole issue before them is the 9' setback variance from the 25' that is permitted, is that correct. Mr. Hocevar stated yes, they also might want to have the Police Department take a look at a mockup of this sign, just to make sure it is not obstructing any views either way. He doesn't think it is, but it might be a good idea to have the Police Department take a look at it and say it is okay. Mr. Maistros stated okay. Mr. Maistros stated and that would be the exiting of the Gurney drive. Mr. Woofter stated they certainly can mock a sign up, probably out of some lumber of sorts and then have Chief Rizzo come look at it. Mr. Woofter stated he will do that in the next couple of weeks, whenever they can get that constructed and asked if that is okay with them.

Mr. Maistros asked if there are any questions from the Board Members. No questions.

Mr. Maistros asked if there was anyone else here in the audience to address the Gurney sign. No response.

Mr. Maistros asked Mrs. Grattino if we had received any objections, emails, letters, calls, concerning this sign. Mrs. Grattino stated no.

Mr. Maistros asked if Signarama or the Board of Education is the applicant. Mr. Costiuc stated Signarama is the applicant on behalf of the Board of Education. They are the contractor and will be doing the work.

Mr. David Maistros made a Motion to APPROVE Case # 20-BZA-02, Gurney School at 1155 Bell Road with the applicant being Signarama requesting a 9' setback variance for the location of the replacement monument sign; with the CONDITION that it is reviewed and approved by the Police Chief or his designee and such approval is sent to the Building Department to confirm that this was done. Seconded by Mrs. Laura LaChapelle. No discussion. A Roll call vote was taken (Maistros – Yes, LaChapelle – Yes, Stone – Yes). With Unanimous Vote, Motion Carried.

CASE # 20-BZA-01: 48 DAISY LANE – HENRY KASSIGKEIT, APPLICANT – APPEAL ARB'S DENIAL OF EXTERIOR MODIFICATIONS

Mr. Maistros stated before they get going on this he would like to request, normally the BZA deals with appeals of variances and setbacks, similar to what they just dealt with. An appeal from another Board or Commission is not something they usually deal with, even though it is part of the code. At this time he would like to call for a short recess so the Board can go into Executive Session with Legal Counsel and briefly make sure they are on the same page regarding their criteria, standard in reviewing this matter prior to that. Mr. Maistros asked Ms. Matheny if this is an authorized reason to have Executive Session. Ms. Matheny stated you can go into Executive Session to discuss pending or immanent litigation. You can also have a meeting outside of the public that is not Executive Session. Ms. Matheny stated if they are going to go into Executive Session, they should definitely state that reason. Mr. Maistros stated that would what it would probably fall under, it would be pending or potential litigation and if they could have a brief Executive Session regarding that.

The Board Members and Ms. Bridey Matheny took a short recess and went into Executive Session around 7:18 P.M. Chairman Maistros resumed the meeting at 7:38 P.M.

Mr. Maistros stated they had a meeting with Counsel and wanted to clarify an issue that they are struggling with. Mr. Maistros stated that is that this is an appeal from the Architectural Board of Review to this Board. It appears to be, they have two documents initiating this appeal; one being from the applicant himself dated 11-25-19; where the appeal is that the ABR doesn't like black. This is the reason for the variance, but he is assuming that this is the reason for the appeal because that is why it is here. Counsel on 11-27-19 on behalf of the applicant submitted a letter that has a little more detail to it as far as the reason for the appeal. All that being said, the November 5th ABR decision, which was documented November 7th, stated that it was denied for changes or modifications to the exterior, or something to that effect. Which could be much more encompassing because they don't know specifically the basis for the denial or what ABR was denying. Mr. Maistros stated because reading the minutes which are somewhat extensive in this matter, which go back to a number of different meetings. He sees where ABR has discussed a number of different exterior issues that appear to be modifications from an original approved plan. All that being said, this Board is not comfortable moving forward unless they have a clarification from the ABR, as far as what specifically was denied in this case. Mr. Maistros stated all they know is that there were modifications from an approved plan to the exterior. He thinks they can say color was just one of those modifications.

Mr. Maistros stated if that is the only issue of what they are here to decide, whether or not they are going to hear an appeal and whether or not black is or isn't an approved color. He doesn't think that solves anything because there are a number of different other issues that the ABR denied this application, but they don't have the specifics on those. So, trying to expedite this as quickly as possible, he would like to make a motion.

Mr. David Maistros made a Motion that they send this back to the ABR for not another hearing, but for clarification and have the ABR document what specifically was denied in this case. So, they know, what they are hearing as far as what they are reviewing. Mr. Maistros asked if there are any questions up here as what they are being asked. Mrs. LaChapelle and Mr. Stone both answered no.

Mr. Maistros asked the applicant and his representative if they could both stated their names. He would like to ask them both if they understand what he is requesting as the Chairman and what the Board is agreeing to here.

Paige Rabatin stated she is here on behalf of Mr. Kassigkeit. Ms. Rabatin stated she guesses her follow-up questions of several of the meeting minutes. They basically stated that this house could be the most beautiful house in the world but they are going to deny it because of the precedent it would set that he kept building and would be more comfortable with the building; something along those lines. Mr. Maistros stated okay. Ms. Rabatin asked would that not state that all of the esthetic issues seemed to be complete and resolved and that it is more of a precedent issue now of the reason for denied. Mr. Maistros stated he doesn't think so, because the way he reads it is that they are denying it because of changes that were made from an approved set of plans to a final as built. You have an approved set of plans and they you have an as built as they sit there and look at it today. Those changes from point A to point B were the reason. Now, would it set precedent, yes; but they need to know what those changes are. Is it just the color, the material on the roofing, is it the siding, is it all the siding, is it the faux stone? He read all of those at one point in time and then ultimately the final denial just said it is denied without specifics as far as what the issues were. That is in his opinion, what they need clarification. Ms. Rabatin stated there is also a portion where they said they realize now that they have no right to deny based on esthetics alone, there was an area where they discussed that as well. Mr. Maistros stated he doesn't recall that specifically, he is not saying it didn't happen. Mr. Maistros stated they are here on appeal of the denial and he thinks they need to know what they are hearing. The only thing they have from the property owner is that he is appealing the color change. Mr. Maistros stated his guess is that this is not the only issue. Mr. Maistros stated they could say yes that they override them or don't on the color but that doesn't change all the other issues that were raised.

Mr. Hank Kassigkeit, property owner of 48 Daisy Lane stated wouldn't it be as a property owner to expect a Board, yours included, to state their approval or denial at the time of submitting, not at the end of the project eight months later. Mr. Maistros stated he is not going to speak for them, but their argument might be they did approve a set of plans and those were the plans they reviewed and approved, and they weren't built that way. Mr. Kassigkeit stated he understands, the other side is the fact that everything was submitted in form to them, in sample form. Wouldn't that have been the appropriate time to say approved or disapproved and not at the end of the project. Mr. Maistros stated they are not here tonight and will not be here in the future to discuss how they did or didn't handle their meetings and their process. What they do want is to be in a position is to be logically and intelligently decide what they are to do. That is to review the denial and what was denied. Mr. Maistros stated, quite frankly, he is not sure what was denied and that everything was denied. All the changes, he doesn't know if that was their intent, maybe it was,

but they need to know that. Mr. Maistros stated he does not want to spend an inordinate amount of time discussing metal roof verses standing seam, verses this siding verses that siding if that is not an issue. Mr. Maistros stated all of that seems to be cloudy at this point. Mr. Maistros stated to Mr. Kaissigkeit that he doesn't think his only intention was to ask them only to decide on the color. Mr. Kaissigkeit stated no, he thinks his intention is he would like to have some quiet enjoyment and enjoy his house. This is his intention, and let this thing go away; this is what his intention was tonight. To say he would like some quiet enjoyment and live the fairytale, and everyone live happily ever after. Mr. Kaissigkeit stated if there were some mistakes made, and he is sure there were some on his part and he apologizes in advance but there were on both sides of the coin that there were mistakes made. Mr. Kaissigkeit stated he just wants everyone to live happily every after and he wants to enjoy his house and not have this cloud of dust hanging over him all the time. Where he shot, you shot, I shot; none of that. Mr. Maistros stated let's work through that. Mr. Maistros stated what they are going to ask is that the ARB proved them with findings of facts as it relates to their basis for denial and what in fact was denied. They are not asking them to have another hearing down there, you will not have to go down there and they are not terminating this hearing tonight. They are extending this hearing, continuing it, he will not have to pay. He hopes there is not any additional fee or application fee, they are simply going to extend this. Any homeowners or neighbors that are here tonight they will get notice when this meeting will be set. Mr. Maistros stated it is his understanding that Mr. Kaissigkeit is residing in his home, so he doesn't intend to delay this but from what he sees this doesn't cause any undue delay by them doing this. Mr. Maistros stated this puts them in a better position to be able to decide this. Mr. Maistros stated he does not know if they have any other objections to this or what is being proposed but that is what is being proposed at this point.

Ms. Rabatin stated she thinks they basically stated everything that they thought for this. She understands that regardless she thinks it is going to move that way going forward. Ms. Rabatin stated her only other question would be, prior to it going back and them giving their reasonings, can she ask is the ARB, this administration code, is this solely what they have to go off of. Ms. Matheny stated she doesn't think so. Mr. Maistros stated he doesn't know that he can answer that. Ms. Matheny stated she thinks there is regulations on the website that are policy and not necessarily codified. Ms. Rabatin stated okay. Ms. Matheny stated she thinks she is right on that, she apologized she does not have that section with her and stated if she goes on the website there may be some more additional regulations. Ms. Matheny stated, again, they are not codified, that is chapter 264 is that right. Ms. Rabatin stated chapter 264, that is correct. Ms. Matheny stated there are other policies that they have made, that are not codified but definitely something that they follow-up with respective submission and she thinks of application and some plans. Ms. Rabatin, for guidance. Ms. Matheny stated she believes so, yes. Mr. Kaissigkeit asked if they can get a copy of all that please.

Mr. Maistros asked Mrs. Grattino if they voted on this, they made a motion, but did they vote on it. Ms. Matheny stated it was not seconded.

Mrs. Laura LaChapelle seconded Mr. Maistros motion. A roll call vote was taken (Maistros – Yes, LaChapelle – Yes, Stone – Yes). With Unanimous Vote, Motion Carried.

Mr. Maistros stated they will notify everyone and get them back here as soon as possible. Mr. Maistros stated to Mrs. Grattino that if ABR has any questions or want him to be clear as far as what they are requesting, they can certainly contact him. Really, what they are requesting is just a basis for what they are specifically denying. What they specifically denied. Mrs. Grattino stated she will put this on the agenda for ARB's meeting next week and will just schedule this for next month. Mrs. Grattino stated

letters will not go out again to all the residents, but the meeting will be posted on the website. Mrs. Grattino asked Ms. Matheny, do they need to post the meeting in the paper again, or just the website. Ms. Matheny stated correct, just the website.

Mr. Kassigkeit asked, so this is going to be another 30 days out. Mr. Maistros stated it will be their meeting in February but was not sure the exact date. Ms. Rabatin asked if they need to request to be on that meeting. Mr. Maistros stated no, it will be the third Wednesday in February. Mr. Kassigkeit stated he may be in Florida. Mr. Maistros stated if he is going to be out of town, they can make adjustments to the meeting date. Mr. Kassigkeit stated it may not be until June as he may be out of town until then, depending on the weather.

Mr. David Maistros made a Motion to Approve the Minutes of November 20, 2019 as submitted. Seconded by Ms. Laura LaChapelle. A roll call vote was taken (Maistros – Yes, LaChapelle – Yes, Stone – Yes). With Unanimous Vote, Motion Carried.

OLD BUSINESS: N/A

NEW BUSINESS: Mayor Koons stated they are going to be working on a strategic plan for the Village and he is asking all the Boards and full-time employees, looking at 2019 he would like to know the things that went well and looking forward if they see things that they need to change or adjust to let him know. Every now and then you need to go back and start from the basics and work up. This is the time to go back and say look at what we are doing well and what we need to improve on. If in the next month, something comes to your mind, shoot him an email saying, do this or don't do that.

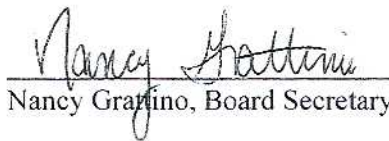
Mr. David Maistros made a Motion to Adjourn. Seconded by Mr. Bill Stone. Mr. Maistros adjourned the meeting at 7:52 P.M.



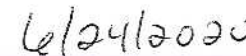
David Maistros, Chairman



Date



Nancy Grattino, Board Secretary



Date

Prepared by: Nancy Grattino