



**Village of South Russell
5205 Chillicothe Road
South Russell, Ohio 44022
440-338-6700
BOARD OF ZONING APPEALS
MEETING MINUTES**

March 16, 2022 - 7:00 p.m.

Members Present: Andy Hitchcock, Chairman, Mike Mulloy, John Buda, Martin O'Toole

Other Officials: Bridey Matheney, Solicitor; Mayor Bill Koons, Dave Hocevar, Building Official, Ruth Griswold, Board Secretary

Visitors: Cash Scott of Premier Custom Builders

Mr. Hitchcock called the meeting to order at 7:05pm. Ruth Griswold conducted roll call.

Mr. Hitchcock asked the board members if they had any questions or comments after reviewing the minutes from February 16, 2022. Hearing none, he made a motion to approve the minutes. Mr. Buda seconded. On roll call vote, the motion carried.

BZA CASE #22-03: Mr. Cash Scott of Premier Custom Homes, applicant for the property owned by Nick and Melissa Nykulak, located at **1580 Bell Road**, South Russell Ohio 44022, is seeking the following: (a) an area variance to allow a new garage to be 4' from the right side yard; pursuant to Section 4.02 of the South Russell Zoning Code, side yard setback must be 20', requiring an area variance of 16' for the right side yard setback and (b) an area variance for the accessory structure's height, as applicant shows the proposed garage height at 23'; pursuant to Section 4.02 of the South Russell Zoning Code, the maximum height of accessory structures is 15', requiring a height variance of 8' for the accessory structure.

Mr. Hitchcock asked the solicitor to swear in anyone who may speak. Ms. Matheney swore in the applicant and Mr. Hocevar.

Mr. Hitchcock advised the applicant that since the board currently has four members, this case would require three members to vote in the affirmative in order to grant the variance. He said Mr.

Scott is welcome to come back in the future when there are five members. Mr. Scott understood and chose to present his case.

Mr. Scott said he is representing Nick and Mellissa Nykulak, owners of 1580 Bell Road. He is requesting an area variance as well as a height variance for a garage. He referred to the site plan on the large screen and indicated where the proposed garage would be situated, which is 4' from the property line, requiring an area variance of 16'. He said the owners have a lot of landscaping equipment and would use the second story of the garage for storage. Mr. Scott said the location was chosen due to the proximity of the existing driveway and it being away from the side of the house.

Mr. Hitchcock asked the applicant to explain why they couldn't situate the garage back further, and behind the house, which would accommodate the 20' setback. Mr. Scott said the further back you go, the grade increases significantly. They do not want to alter the grade too much from the natural flow of the land. He said they would possibly have to also remove a number of trees, which the owners do not want to do. He went on to say that if it was moved in 16', it would also interfere with the placement of the air conditioning systems, although the biggest reason would be to avoid altering the grade, which would create more swales that may bring more water towards the house.

Mr. Hitchcock questioned the orientation of the garage as drawn on the blueprint. Mr. Scott said the driveway would come into the short gable side, and the drawing is incorrect.

Mr. Hitchcock asked the board members if they had any questions.

Mr. O'Toole said he visited the site and gained a better understanding of the variance request. He asked if the Camposos, owners of the adjacent parcel, have any issues with the location. Mr. Scott said he can speak on behalf of the Camposos as well, and Brad Camposo is owner of Premier Custom Builders, and he is working for Brad as the project manager. Mr. O'Toole noted that the Camposo property is landlocked. Mr. Scott said yes, it is currently landlocked, but there will be a driveway that comes off the Nykulak's driveway, and they are planning to construct a house on the lot. Mr. O'Toole asked if Brad Camposo was in favor of this variance. Mr. Scott said yes, he has no problems with it.

Mr. Hitchcock said he visited the area as well, and Brad happened to be there at the time, and he indicated to him that he fully supports the variance.

Mr. Buda said the application states that the garage would mimic the house design and asked the applicant for the height and square footage of the house. Mr. Scott said he did not know the height of the house, but the square footage will be approximately 6,500, including the finished basement. Mr. Buda asked what the second-floor storage would be used for. Mr. Scott said since the basement is finished, there is not a lot of storage for seasonal and miscellaneous household items, so the second floor of the garage would allow for that type of storage. Mr. Buda asked if there was a consideration for an accessory building of variant height during the original site plan. Mr. Scott said to his knowledge, when they first designed the house, there was no accessory building considered. Mr. Buda said with such a large property, there should have been consideration given to where the necessary equipment would be stored in the house, or somewhere on the property. Mr. Scott said they explored some possibilities for locating equipment, but the grading of the lot limits that greatly. Mr. Buda said that the last time this house requested a variance, Mr. Hocevar said there is a

possibility that it could be expected that the owners come back to request a variance for an accessory structure. He said it sounds to him as if there was an awareness of a future variance. Mr. Buda asked Mr. Scott if the structure could be placed anywhere on the property and stay within the code limitations. Mr. Scott said yes.

Mr. Mulloy said he had no questions, just a comment. He said a question came up as to the height of the house, and that information is on the application that was submitted, indicating the height of the existing structure to be 29'.

Mr. Hitchcock said the following factors have to be considered: Whether the property can yield a reasonable return without the variance; Whether the variance is substantial; The essential character of the neighborhood; Whether the variance would adversely affect the delivery of governmental services; Whether the owners purchased the property knowing this would be a challenge; Can the predicament be obviated through something other than a variance; Would the spirit and intent behind this requirement be observed by granting the variance. He said having visited the property, along with others, he noticed that even without leaves on the trees, the foliage is pretty thick, and feels that the impact to the neighbors is probably very minimal, and the immediate neighbor does not have a concern. He said by standing in front of the driveway, you are basically looking uphill, and it is obvious that the grade is pretty substantial. He did not walk to the back of the house, but if that is a similar grade, they would run into the same issue if the structure was moved to meet the zoning code.

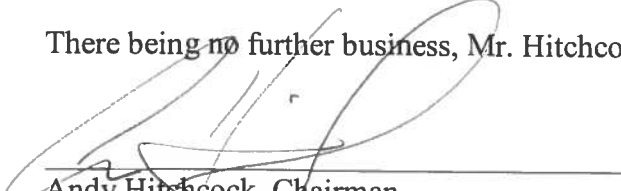
Mr. Hitchcock made a motion to approve a variance for 1580 Bell Road, to allow a new garage to be 4' from the right-side yard, offering a 16' variance for the right-side yard setback. Mr. O'Toole seconded. He asked for discussion or questions on the motion. There was none. On roll call vote: Andy Hitchcock-Yes; Mike Mulloy-Yes; John Buda-No; Martin O'Toole-Yes. Motion passed.

Mr. Hitchcock made a motion to approve an area variance for 1580 Bell Road, to allow the structure to be no more than 23' tall, which is an 8' variance for the height of the accessory structure. Mr. O'Toole seconded. Mr. Hitchcock asked for discussion or questions on the motion. There was none. On roll call vote, the motion passed unanimously.

Old Business: None
New Business: None

Mayor Koons asked the members of the board to let him know of any ideas they may have regarding gatherings to show appreciation for board members when their term ends.

There being no further business, Mr. Hitchcock adjourned the meeting at 7:25pm.



Andy Hitchcock, Chairman



Ruth Griswold, Board Secretary

April 20, 2022
Date

4-20-2022
Date