



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

**September 21, 2022 - 7:00 p.m.**

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

**Other Officials:** Bridey Matheney, Solicitor; Mayor Bill Koons; Ruth Griswold, Board Secretary

**Visitors:** Steve Latkovic, 480 Laurelbrook Drive

Mr. Hitchcock called the meeting to order at 7:01pm. Ms. Griswold conducted roll call.

**Mr. Hitchcock asked the board members if they had any questions or comments after reviewing the minutes from August 17, 2022. Hearing none, he made a motion to approve the minutes. Ms. Matejcik seconded. On roll call vote, the motion carried.**

Mr. Hitchcock asked the solicitor to swear in anyone who may speak. Ms. Matheney swore in the applicant, Steve Latkovic.

**AGENDA ITEM 1: BZA CASE #22-07:** Mr. Steve Latkovic, applicant and owner of the property located at 480 Laurelbrook Drive, South Russell Ohio 44022, is seeking an area variance for a proposed patio structure's height, as applicant shows the structure's height at 17'6", and 19'6" including the chimney. Section 4.02 of the South Russell Zoning Code provides that the maximum height of accessory structures is 15', requiring a total height variance of 4'6" for the accessory structure, including the chimney.

Mr. Hitchcock asked the applicant for some background on his project. Mr. Latkovic said they would like to construct a covered pavilion with a chimney in their back yard. He said the Cape Cod style house was built sitting pretty high, and there was an extensive remodel and garage addition in

2019. In order to retain views and provide aesthetic consistency, the proposed pavilion exceeds the peak limit by 2.5' at the roof line, and the chimney adds an additional 2'. He referred to the photos he submitted, shown on the large screen, and said the neighbors to the south, who won't see the pavilion at all, wanted it known that they have no issues with the proposed pavilion. He said the neighbor to the north is on vacation and unable to attend the meeting, but he texted his approval of their project.

Mr. Latkovic noted that the aerial views of his property are very recent. The property lines were drawn in, as well as the location of the future pavilion. He referred to photos that showed the view of his proposed project area from the neighbor's driveway, and also the view from his back patio, showing the distances from other houses in the area. He said the proposed height of the pavilion was driven mainly to fit in with the height of the existing house and attached garage, but also because the great room is at the rear of the house, and without the height variance, the view from the great room would be of the roof.

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

Mr. Buda asked if any height variances were required during the improvements in 2019. Mr. Latkovic said no, most likely because the added garage was attached to the dwelling. Mr. Buda asked Mr. Latkovic how they determined the required height of the pavilion's roof. Mr. Latkovic said they considered the required opening and then sized up the overall structure to fit the height, width, and sloping from an engineering perspective, and then considered where the garage and existing house roof is. Mr. Buda said basically, the proposed height is so that it can be seen through and fit aesthetically with the rest of the structures. He asked why the chimney has to be 2' taller. Ms. Matejick said that it is required per code. Mr. Buda asked if there was any functional reason for the height of the roof. Mr. Latkovic said he believes his architect was matching what would fit. Mr. Buda asked if the structure could function with a maximum roof height of 15'. Mr. Latkovic said he didn't know, but that by lowering it 2', it would look very flat. Mr. Buda said a separate garage is subject to a maximum height of 15', and still accommodates large vehicles, so he doesn't know why the pavilion couldn't function with the maximum 15' height. Mr. Latkovic said he doesn't know the answer to that, since he is not an engineer, but it seems like that would be true, however, a roof line lowered by 2.5' would look odd aesthetically, vs the very high-pitched roof lines of the existing house and garage.

Mr. Hitchcock said he spoke to Dave Hocevar about the code and verified that the structure's height is measured from the chimney to the ground, not to the roof line. He said if the variance is granted it would be a 4.5' variance above 15', due to the chimney, but he feels, in the grand scheme of things, he views it as a 2.5' variance.

Mr. Hitchcock said one of the criteria the board looks at when considering variances, is if the variance is substantial. He would consider a 33% height variance to be substantial. He said some of the other factors to be considered are the impact on neighbors, the return on the investment, and any effects on the delivery of services.

Mr. Hitchcock asked board members for any other comments or questions.

Ms. Matejcik said she walked the Laurelbrook neighborhood and saw a similar pavilion across the street that seems to have met the height requirement. She said she understands John's point about the necessity of having the roof so high, and therefore, for fire safety, to have the chimney high as well. She said she did notice that all the neighbor's chimneys were the same height.

Mr. Mulloy asked the applicant if the structure would be visible from the curb in front of the house. Mr. Latkovic said no, and actually there would only be one neighbor who would see it at all.

Mr. O'Toole said the height is measured from the ground up, and the house is sloped down from the rear of the house and asked the applicant how much lower the ground level is. Mr. Latkovic referred to the area of the recent expansion on the large screen, noted the step-down patio on the back, and said it is about 2.5'.

Mr. Buda said there is no functional reason for the roof to be higher than the code-compliant 15', it would be only for aesthetic reasons.

Mr. Hitchcock asked the applicant if he wanted to add anything. Mr. Latkovic said he appreciates the reasons and importance of the code, but he also understands that whether it's for aesthetics or function, his neighbors have no problem with it, and it fits better within the other improvements. He said he feels his proposal fits in very well with the intent of the variance process and wouldn't understand the reasoning behind having him change the plans to be less aesthetically pleasing when no one is opposed to the project. He feels this is justifiable variance.

Mr. Hitchcock asked Ms. Griswold if the Village received any communication from the neighbors. Ms. Griswold said no, the neighbors only communicated with Steve. Mr. Hitchcock asked Ms. Matheney how the neighbors' communication could be entered into the record. Ms. Matheney said since Steve has been sworn in, his relaying of the communication becomes part of his testimony and also of the official record.

**Mr. Hitchcock said in the application for 480 Laurelbrook Drive, seeking an area variance for a proposed patio, he is making a motion to approve a variance for 4'6", to bring the maximum allowable height for the proposed structure to 19'6". Mr. Mulloy seconded. Mr. Hitchcock asked for any discussion on the motion.**

Mr. Buda said, to be clear, the structure can be lowered; the applicant could comply.

**On roll call vote: Andy Hitchcock-Yes; Mike Mulloy-Yes; John Buda-No; Martin O'Toole-Yes; Cindy Matejcik-Yes. Motion passed.**

Mr. Latkovic thanked the board for convening on his behalf.

**Old Business:** Mr. O'Toole asked for the status on the Red Barn sign submission that the Board of Zoning Appeals reviewed last month. Ms. Matheney said they submitted a revised plan to the Planning Commission on September 8, 2022, and the board tabled the submission and requested a

landscaping, lighting, and parking plan, in addition to the sign. Mr. O'Toole asked if they would be required to address the changes to the ramp. Ms. Matheney said she is not sure.

**New Business: None**

There being no further business, Mr. Hitchcock adjourned the meeting at 7:26pm.

  
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Mike Mulloy, Acting Chairman

12/21/2022  
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Date

  
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Ruth Griswold, Board Secretary

12-21-2022  
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Date