



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

**May 17, 2023 - 7:00 p.m.**

**Members Present:** Andy Hitchcock, Chairman, Mike Mulloy, John Buda, Lindsey Self, Cindy Matejcik

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

**Visitors:** Danni Gogol and Jere Austin of 103 Fernwood Road; Sean Leibin, 99 Countryside Drive; Maureen Greene, 935 Bell Road; Sandi Selig, Cuyahoga Heights; Maddie, 110 Fernwood Road.

Mr. Hitchcock called the meeting to order at 7:00pm. Ms. Griswold conducted roll call.

**Mr. Hitchcock asked the board members if they had any questions or comments after reviewing the minutes from December 21, 2022. Hearing none, he made a motion to approve the minutes. Mr. Mulloy seconded. On roll call vote, Hitchcock-Yes; Mulloy-Yes; Buda-Yes; Self-Abstain; Matejcik-Yes. Motion carried.**

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

**AGENDA ITEM 1: BZA CASE #23-01:** Mr. Jere Austin, applicant and owner of the property located at 103 Fernwood Road, South Russell Ohio 44022, is seeking two area variances for a proposed shed, as applicant shows the structure's rear yard setback to be 2.0' and structure's right side yard setback to be 9.5'. Section 4.02 of the South Russell Zoning Code provides that the minimum rear and side yard setbacks of accessory structures is 20', requiring a total rear yard area variance of 18' and requiring a total right side yard area variance of 10.5'.

Mr. Hitchcock asked the applicant to begin his presentation. Mr. Austin introduced his wife Danuta Gogol, who has owned the house since 1987, and said they have been in the house together since the early 1990s and have made continuous improvements throughout the years. Mr. Austin referred to their property on the large screen and indicated where the original shed was. He said the shed needed replacement, as they need the storage space for tools, and also for drying garlic and onions from their garden. He referred to the photos of the old shed and said they thought it wouldn't be a problem to replace the shed using the same slab, so they hired a very qualified contractor who has done other work for them in the past.

Mr. Hitchcock asked Dave Hocevar if the Village received a permit application from the contractor, Mr. Hocevar said yes, but there was an honest error on the paperwork and the shed was installed too close to the lot lines. The error was discovered during the field inspection. He said Mr. Austin immediately came in to do what was necessary to rectify the situation.

Mr. Hitchcock asked board members for questions or comments. Ms. Self said she is aware of a letter of support from one neighbor, and asked Mr. Austin if they have received any complaints about the shed. Mr. Austin said no, they have not, but they have received compliments. Mr. Hitchcock referred to the overhead map and asked which neighbor gave the letter of support. Mr. Austin pointed out her house on the map, indicating she is directly behind them, and most affected by it.

Ms. Matejczik asked if the permit situation had been resolved. Mr. Austin said the permit was issued before the shed went up, but he had not cross-checked the applications, and he did not see the discrepancy on the setbacks. The paperwork submitted by him, after the error was brought to his attention, is accurate and reflects the need for variances.

Mr. Hitchcock asked if there was a previous variance for the former shed. Ms. Griswold said no, and there is no indication that a zoning permit was issued by South Russell for the original shed, although it is on the county records. Mr. Hitchcock told the applicant that since there is no previous record of a permit from the 1980s, once the shed was torn down, even though it was rebuilt in the same area, variances would be required. Mr. Hitchcock said the former shed was 64 sq ft, and the new one is 192 sf ft, moved forward and out, but no closer to the rear lot line than the other shed. Mr. Austin said that is correct.

Mr. Buda asked the applicant if either or both of the variances are not approved, what recourse would be taken. Mr. Austin said he would have to either move it or fight it, and it is not a shed that is easily moved. He is hoping to keep it as is, since it is an attractive improvement to the property, it does not pose a fire hazard and has caused no issues with the neighbors. Mr. Buda said it seems to be an honest mistake on the contractor's part, and it would seem the contractor would be liable. Mr. Austin said that is what he meant by fighting it, but he would not want to do that.

Mr. Hitchcock asked for comments from guests. There were none.

Mr. Hitchcock said this is a bit of a unique case; it is always somewhat awkward when a situation presents itself and the applicant is asking for forgiveness instead of permission. The board is tasked

with reviewing each variance request through a variety of lenses, safety, marketability of the property, how substantial the variance is, etc. He asked board members for any further questions. There were none.

**Mr. Hitchcock said for BZA Case #23-01, for the property located at 103 Fernwood Road, he will make a motion to approve a 10.5' variance to the side yard (north) property line to allow a 16'x 12' structure no closer to the property line than 9.5'. Ms. Self seconded. On roll call vote, the motion passed unanimously.**

**Mr. Hitchcock said for BZA Case #23-01, for the property located at 103 Fernwood Road, he will make a motion to approve an 18' variance to the rear yard (western) property line to allow a 16'x 12' structure no closer to the property line than 2'. Mr. Buda seconded. On roll call vote, the motion passed unanimously.**

Mr. Austin thanked the board for their time and efforts.

**AGENDA ITEM 2: BZA CASE #23-02:** Mr. Sean Leiben, applicant and owner of the property located at 99 Countryside Drive, South Russell Ohio 44022, is seeking an area variance for a proposed shed, as applicant shows the structure's rear yard setback to be 6.5'. Section 4.02 of the South Russell Zoning Code provides that the minimum rear yard setback of accessory structures is 20', requiring a total rear yard area variance of 13.5' for the accessory structure.

Mr. Hitchcock asked the applicant to begin his presentation. Mr. Leiben said his proposal is for a 10'x10' prefabricated shed, the exterior of which will match the existing house. They plan to use it to store lawn equipment and furniture, as well as children's toys. He said there is only one place to put it without doing substantial grading or tree clearing. He said they would continue the existing screening with additional arborvitae.

Mr. Hitchcock asked board members for questions or comments. Mr. Buda referred to the satellite view of the property and said it does appear possible to install the shed 20' from the property line. Mr. Leiben said it is possible, but he doesn't know if the HOA would approve that location, since it would be very close to the existing garage, and not necessarily aesthetically pleasing to the neighborhood. He said Cindy Matejck may be able to speak to that. Ms. Matejck said it may not pass the HOA review if it was moved further into the yard, since it is not permitted to have sheds facing the street. She added that the HOA did approve the location proposed by Mr. Leiben.

Ms. Self referred to the photos of the yard, and asked if the shed would be in front of the existing evergreen trees, or in the more open area. Mr. Leiben said it would be situated in the open area, but their plan is to continue the arborvitae screening behind the shed.

Mr. Buda referred to the site plan to clarify his previous question; if the shed was moved to a particular area, it would be 20' from the property line and about 21' from the back of the house. Mr. Leiben said there is already a stamped concrete patio in that area, not shown on the site plan.

Ms. Self asked if the neighbors who would be affected by the shed placement were aware of the proposed placement. Maureen Greene of 935 Bell Road said she is that neighbor. Ms. Self asked if she had any issues with the shed's location. Ms. Greene said she does have issues with the shed. She

obtained a permit for a fence in order to screen the dying shrubbery and the swing set from her line of sight. She cannot extend the fence to block the shed without obtaining a variance. She said the shed would be so close to her, it would feel like it was in her yard. She just had a custom-built shed installed and it blends into the natural surroundings nicely and she does not want to look at the rear of a white shed. Ms. Self asked her if the applicant agreed to plant trees of a particular height along that property line to block her view of the shed, would it matter to her how close the shed would be to the trees. Ms. Greene said no, she just does not want to see the shed.

After determining the height of the shed would be 9'2", Ms. Self asked Mr. Leiben if he would be willing to plant 10' tall trees as screening. He said that could potentially cost more than the shed, but he is willing to plant fast growing arborvitae, starting at 4-5' tall, and they would grow about 1' per year.

Mr. Mulloy asked Mr. Hitchcock if the board can require a certain height for a natural barrier. Mr. Hitchcock said board decisions have included the requirement of having mature trees as natural screening, but not usually specifying a height.

Ms. Matejczik asked Ms. Greene how far her fence would be extending down the line. Ms. Greene said it cannot extend past the front of her house and will not hide the shed.

Mr. Buda asked the applicant what color the shed roof would be. Mr. Leiben said it will have black asphalt shingles to match their house roof.

Ms. Greene asked if the shed has to be white. Mr. Leiben said the white color matches their house. Ms. Self asked Mr. Leiben if the shed could be moved over to the area that already has trees. Mr. Leiben said they would have to do grading and tree removal, and the patio is over there as well.

Discussion followed regarding roof pitch and wall heights.

Ms. Self asked Mr. Hitchcock what the board had previously done in situations like this. Mr. Hitchcock said in the past, the board has had the neighbors work it out with one another. He said the neighbor's concerns are being heard, while recognizing that adding mature trees behind a 10x10 shed would add a significant cost for the homeowner Ms. Greene said she just paid \$13,000 to replace her shed. Mr. Hitchcock said they are not an enforcement board, and he said there are some shades of gray as far as what type of trees would be appropriate and how tall they would have to be.

Mr. Buda said he appreciates the desire of the structure to match the house, but would it matter what color the side of the shed facing the neighbor was painted. Discussion followed regarding the practicalities as to HOA approval. Mr. Buda said a combination of foliage and a muted color, not a stark white, may be a good compromise.

Ms. Self asked Ms. Greene if she would be okay with the shed wall that faces her property being painted a mutually agreed upon color, along with the planting of trees that would grow over time. Ms. Greene said she does not want to see 4' trees planted.

Mr. Mulloy said speaking from experience, when you go to purchase landscaping, typically the trees available are in the 4-6' height range. They will grow quickly, so to expect large trees to be

planted immediately would add a considerable cost, and he would like to see more of a compromise.

Discussion followed among board members, applicant, and guests regarding the possibilities of reaching a compromise by involving a combination of landscaping and paint color.

Mr. Hitchcock said he feels this has been hashed out pretty well. He asked board members and parties in the audience for any other comments or questions. There were none.

**Mr. Hitchcock said for BZA Case #23-02, for the property located at 99 Countryside Drive, he is making a motion to approve a 13.5' area variance on the western property edge to allow a 10x10' structure no closer than 6.5' to the property line subject to approval from the HOA, installation of natural screening in a reasonable time and not to exceed 12 months, and painting the rear of the shed a natural non-white color to the satisfaction of the neighbor at 935 Bell Road. Mr. Buda seconded. On roll call vote, the motion passed unanimously.**

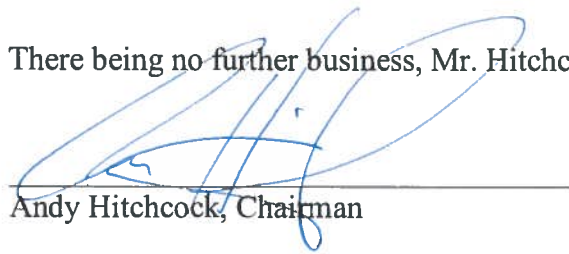
Mr. Hitchcock said he appreciates the applicant and neighbor working together, and as he mentioned before, the board is not an enforcement arm for the Village, but if the conditions are not met, the Village should be notified.

Mr. Hitchcock asked for any **Old Business** There was none.

Under **New Business**, Mr. Hitchcock said since many of the board members are new, he wanted to make sure everyone understands the dos and don'ts regarding being a public figure and serving on the board. He asked if any members had questions for the solicitor regarding **Open Meeting and Sunshine Laws**. There were none. He encouraged members to keep their interactions with one another above board so as to avoid any problems.

He said the first paperless meeting went very well and was thankful for the suggestion from Mr. Buda.

There being no further business, Mr. Hitchcock adjourned the meeting at 7:56pm.

  
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Andy Hitchcock, Chairman

6/21/2023  
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Date

  
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Ruth Griswold, Board Secretary

6.21.2023  
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Date