



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

**September 18, 2024 - 7:00 p.m.**

**Members Present:** Andy Hitchcock, Chairman, John Buda, Martin O'Toole, Cindy Matejcik  
**Other Officials:** Bridey Matheney, Solicitor; Dan D'Agostino, Building Official; Mayor William Koons; Ruth Griswold, Board Secretary  
**Visitors:** Patrick Dickinson of Miller's Sales and Rentals

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

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

**Mr. Hitchcock asked the board members if they had any questions or comments after reviewing the minutes from August 21, 2024. There were none. Mr. Hitchcock made a motion to approve the meeting minutes as is. Mr. Buda seconded. On roll call vote, Andy Hitchcock-Yes; Mike Mulloy-Abstain; John Buda-Yes; Cindy Matejcik-Yes. Motion carried.**

**Agenda Item 1: BZA Case #24-06:** Patrick Dickinson of Miller's Rental and Sales, applicant for the property located at **102 Fairview Road**, owned by Helen and Walter Peckis, is seeking approval to allow the installation of an ADA wheelchair ramp in the front setback, and per Section 4.02 of the South Russell Village Zoning Code, no structures are permitted in the front yard.

Mr. Hitchcock asked the applicant to begin his presentation. Mr. Dickinson said they have installed an aluminum modular ramp at the front door and ending just before the driveway. There are two platforms, the first one being 5' x 10' and then it makes a turn with a stretch down to the driveway of approximately 20'.

Mr. Hitchcock said it seems pretty straightforward, and asked the applicant if there was anything else he would like to add. Mr. Dickinson said it is temporary modular ramping, installed close to the ground with the supports sitting on pavers. The slope is 1:12. Mr. Hitchcock asked him if the ramp was designed to ever be affixed permanently to the ground. Mr. Dickinson said it was designed by the manufacturer to be freestanding and temporary.

Mr. Hitchcock asked Mr. Dickinson when he learned about the need for the variance. Mr. Dickinson said he doesn't have exact dates with him. He got the lead from the Department of Aging, and he visited the house and met the family. The homeowners decided they wanted to move forward. Mr. Peckis called the city and was told there was a permit required for the ramp. Mr. Dickinson said he then filled out all the paperwork and brought it into the building department, at which time he was told they needed a variance prior to permit approval. Mr. Hitchcock asked if that was all done prior to construction of the ramp. Mr. Dickinson said yes. Mr. Hitchcock asked when the ramp was constructed. Mr. Dickson said he does not have the exact date, but it was roughly 7-8 weeks ago in late July. He had missed the deadline for the last meeting.

Mr. Hitchcock asked the applicant if they have paid all the applicable fees for permits and such. Mr. Dickinson said they still must pay the \$25 permit fee, once it is approved. He said his company must also register as a contractor, because since they do work all over northeast Ohio, their policy is to wait to register until they have permit approval.

Mr. Hitchcock asked Ms. Matheney if the board could grant a variance for a specific purpose, rather than an area. For example, in this case, could the board say the variance would be approved only for a wheelchair accessible ramp, rather than approving an area variance that could result in a different structure in the future. Ms. Matheney said the board would be approving an area variance with respect to this specific wheelchair accessible ramp. She said if there was a transfer of property, and the wheelchair ramp was either no longer needed or wanted, it would have to be removed and the variance would no longer carry with the land.

Mr. Hitchcock asked board members if they had any questions. Mr. Mulloy asked if there has been a precedent set for these types of situations. Mr. Hitchcock said each case is heard on an individual basis, and they don't set precedents. In his 5-6 years on the board, he does not recall seeing an application requesting a front yard variance request, other than for an unusual property where the front of the house faces the side yard, and the side yard is considered the front yard. Other than that, he does not recall seeing anything like this. Mr. Mulloy asked for confirmation that the permit has not been granted and must wait for variance approval. Ms. Griswold said that is correct. Mr. Mulloy asked if the variance is approved and a permit is issued, would an inspection be done on the ramp prior to issuing the permit. Ms. Griswold said the inspection would not be done prior to issuance, but after the ramp had been installed. Mr. D'Agostino said they have recently been to the house and inspected the ramp.

Mr. Mulloy asked the applicant if other property entrances were explored as far as access. Mr. Dickinson said yes, generally the front door is the widest in a home, being a full 36", and the rear doors are usually 32". Having a power wheelchair would necessitate widening the 32" door, and he actually thinks there is a step at the rear door as well.

Mr. Buda asked Ms. Griswold to remind them of the process of notifying the neighbors. Ms. Griswold said residents within 250' of the applicant receive letters approximately 15 days in advance of the meeting, notifying them of the requested variance. There is also a legal notice published in the newspapers at least 10 days in advance. Mr. Buda confirmed that, in response to the notifications, there was just the one email with commentary from a neighbor. Ms. Griswold said that is correct. Mr. Buda said, to the best of the board's knowledge, and since there are no residents in attendance, there is no neighbor who has a negative issue with the ramp. Mr. Hitchcock said that is correct.

Mr. Hitchcock said obviously the homeowner has a need for a wheelchair ramp. The way the email from Mr. Peckis read, it sounded like he may be mobile, and asked Mr. Dickinson if he is up and walking, and the wheelchair aids him, or is the wheelchair an absolute necessity to get in and out. Mr. Dickinson said the homeowner can stand and pivot only with assistance. He added that he wouldn't have been able to attend the meeting tonight because of the stairs. Mr. Dickinson was informed that Village Hall has elevator access on the east side of the building. Mr. Dickinson said Mr. Peckis's attendance tonight would have been pretty challenging in any event, which is why he offered to come on his behalf.

Ms. Matejcik asked the applicant if Geauga County generally reaches out to a contractor first or do they reach out to the city in which the ramp will be located. Mr. Dickinson said Geauga County contacts them, and they install this specific style of temporary and modular ramp. He said a lot of cities do not require a permit because it is a freestanding structure and not attached to the house. He said if asked, many cities will want a permit for it, but many times they just put them up. He went on to say that Geauga County has a lot of resources for people, and his company works all over Northeast Ohio. The Department of Aging has funds available for their residents. Ms. Matejcik said they actually put one in at her mom's house.

Mr. Hitchcock asked board members for any further questions. There were none.

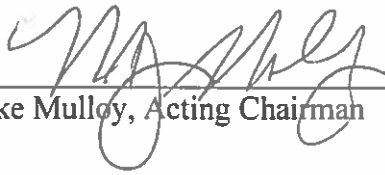
**Mr. Hitchcock said for BZA Case #24-06 for the property located at 102 Fairview Road, he makes a motion to approve an area variance to permit the installation of a temporary ADA wheelchair ramp in the front setback, in its existing location as of 9-18-2024, subject to the filing of an application and payment of all the applicable fees. He asked for any questions on the motion. There were none. Mr. Buda seconded. On roll call vote, the motion passed unanimously.**

Mr. Dickinson thanked the board.

**Old Business:** None

**New Business:** None

There being no further business, Mr. Hitchcock adjourned the meeting at 7:14pm.



Mike Mulloy, Acting Chairman

11/20/2024

Date



Ruth Griswold, Board Secretary

11-20-2024

Date