



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

November 20, 2024 - 7:00 p.m.

Members Present: Mike Mulloy, Acting Chairman, Lindsey Self, John Buda, Martin O'Toole, Cindy Matejcik

Member Absent: Andy Hitchcock

Other Officials: Todd Hicks, Solicitor; Dave Hocevar, Building Official; Ruth Griswold, Board Secretary

Visitors: Colleen Woodbury, 124 Fairview Road; Ann Dunning, 129 Burlington Oval; Stephen Ciciretto, 270 Park Place; Barbara Blake, 26 Annandale Drive; Police Chief Mike Rizzo.

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

Mr. Mulloy asked the solicitor to swear in anyone who may speak. Mr. Hicks swore in the applicants, attendees and Mr. Hocevar.

Mr. Mulloy asked the board members if they had any questions or comments after reviewing the minutes from September 18, 2024. There were none. Mr. Mulloy made a motion to approve the meeting minutes as is. Ms. Self seconded. On roll call vote, Mike Mulloy-Yes; Lindsey Self-Abstain; John Buda-Yes; Martin O'Toole-Yes; Cindy Matejcik-Yes. Motion carried.

Agenda Item 1: BZA Case #24-07: Colleen Woodbury, applicant and owner of the property located at 124 Fairview Road, is seeking approval for a side yard setback area variance of 5', as applicant shows the garage addition to be 5' from the north property line, and per the 1947 South Russell Village Zoning Code, Section 7, the minimum side yard setback must be 10'.

Mr. Mulloy asked the applicant to explain her project and tell the board why she is asking for the variance. Ms. Woodbury thanked the board for hearing her case. She said she retired from nursing last year, and recently relocated from Michigan. She purchased the home to be closer to her daughter and assist with childcare. The home she purchased is small, and had been neglected, but is also only three miles from her daughter. Ms. Woodbury has been working on bringing everything up to code, and one of her goals is to also have an attached garage constructed. She said this is important to her, because some medical issues that make her prone to falling, and the ice and snow that is part of Ohio winters would be a safety hazard. The original detached garage was beyond repair, and it was also a good distance from the house.

Ms. Woodbury said she began researching her options by sketching out her ideas, talking to contractors and enlisting professional help. She did not want any addition to block her view and sacrifice the sanctuary feeling. She also did not want to curtail any alternatives for future homeowners. She said after learning she needed a 5' variance, they did try to redesign to comply with zoning, but the options were just not realistic or desirable. She also considered a detached garage, but was told that she would need to have the structure even further from the lot line.

Ms. Woodbury said she consulted with her neighbors, who suggested a side facing garage. She realized she would still need a 2' variance, and the amount of concrete she would need to add would be cost prohibitive. Her view would then be the side of the neighbor's garage, and their storage of three trailers in the southeast corner of their yard, as well as their third vehicle. She said she doesn't mind the neighbors parking the vehicles where they are, but she didn't want that to be her only view.

She said her and her architect, Ann Dunning, explored a few other options, but came back to the proposal before the board today as being the most practical and cost-effective. She said her addition would not be affecting her neighbor's privacy, as it would not be any closer to their living space, since their two driveways are next to each other.

Ms. Woodbury said she really enjoys the area; it's a great neighborhood with wonderful neighbors and she feels very safe. She said she has had to put quite a bit of money into the home, but she feels confident investing even more with the garage addition. She said she appreciates the board's kind consideration of her specific circumstances.

Ms. Dunning said she would like to add that there is about a 4' grade change between the existing driveway and the first floor of the house. They had to make that up by adding some steps. She said it's a good-sized garage addition in relation to the house, but she was able to make all the roof pitches the same, to make up that discrepancy.

Ms. Matejcik said she is a little confused because Ms. Woodbury indicated she has accessibility concerns, and she understands that. She asked her how she would enter the house from the garage. Ms. Dunning said the mudroom addition would provide accessibility to and from the garage. Ms. Woodbury said Ms. Matejcik is correct in that no matter what is done, she would still have to navigate steps. She has her laundry room in the basement, and she may have to eventually put in a chair lift. She said she should be able to manage the few steps from the garage. Ms. Dunning said that the new steps will be much wider and safer. The current back door is very unsafe, and when the deck is installed, it will be much safer all around.

Ms. Self asked if any neighbors were present. There were none. She asked Ms. Griswold if any neighbors inquired about the proposal after being notified. Ms. Griswold said she has had no inquiries or comments from neighboring properties.

Mr. Mulloy confirmed that Ms. Woodbury presented the plans to her neighbors to the north at 128 Fairview for their information. Ms. Woodbury said that is correct. Mr. Mulloy said the neighbors then suggested a modification that would relocate the garage to the far south lot line of the property, which would require her to install a driveway to the rear of the home. Ms. Woodbury said that is correct, and the proposal would also eliminate the pleasant view. Mr. Mulloy confirmed that those same neighbors were notified and did not respond. Ms. Griswold said that is correct.

Ms. Dunning explained the difficulty involved in providing the more accessible addition within the parameters permitted. The proposal, with the variance request, barely allows her to clear the steps. Mr. Mulloy noted that the variance would allow a straighter entry into the garage. Ms. Woodbury said when she talked with her neighbors, they didn't sound like they were objecting as much as just offering a different solution. She told them that either way, they would be looking at a garage.

Mr. O'Toole asked Mr. Hocevar if the neighbor's storage of trailers in their yard was a violation that caused an eyesore, or if it was permitted in that community. He said in Kensington Green it would never be permitted. Mr. Hocevar said he would investigate the situation if there was a complaint, because Council and the Building Committee do not want him driving around just looking for violations, apart from obvious eyesores, which are a different matter. Mr. O'Toole asked if there was a complaint, would it then be addressed. Mr. Hocevar said that is correct.

Mr. Mulloy asked on which property the trailers are located. Ms. Woodbury said they belong to her neighbors to the north, and the photo is of the southeast corner of their property. She took the photo looking northeast. She said they do have a double lot, but the area they park these vehicles is the most practical and accessible for them.

Mr. O'Toole said he is not against the proposal but asked if this variance request was necessary because the neighbor's property is not nice to look at. Ms. Dunning said this property is very tight and has a grade problem, which necessitates the variance request. Mr. O'Toole asked if the neighbor's messy yard was a primary reason for the variance request. Ms. Woodbury said no, many things played into the final decisions-making process, and the option of having a rear entry garage involved the cost of adding a concrete driveway, was much more than she would want to spend. She feels the proposal will allow her to gain the most benefit of her property, while addressing her safety concerns.

Mr. Mulloy referred to the photo depicting the view of the neighbor's property, and asked Ms. Woodbury to indicate where her new garage would be in relation to where the former one was. Ms. Woodbury pointed out bricks that she had set as markers.

Ms. Self asked Ms. Woodbury if her neighbors had a one-car garage. Ms. Woodbury said yes, they are one of the few. Ms. Self said she is struggling because there are a lot of similar small homes in South Russell that sit on small lots, and she would imagine everyone in those smaller homes would like to do something to make their homes bigger or would prefer a two-car garage. She is struggling

to set a precedence that a variance is necessary when there are alternatives. Ms. Self went on to say that the applicant explained two alternatives, that may not be preferred, but are alternatives, nonetheless. One would be to have a one-car garage, and the other would be to have a garage pushed further south, and face north. She said it sounds to her like the reason for the variance would be based on a preference. Ms. Woodbury said she would still need a variance of 2', and she couldn't afford the extra concrete required.

Ms. Dunning said the hardship is the grading, as the driveway would have to be dug deeper and deeper as they go towards the backyard. She said it is a small lot, and lots such as this will tend to need variances. She said the smaller lots have a bigger pinch, and it's also going to mean that when these houses turn over, they may want to improve their lot, and to do so they would need a variance. Ms. Self said that is her concern, as people are going to want to be improving their lots, and if they set a precedent that a substantial variance could be granted, it is a little concerning with the houses so close together. Ms. Dunning said she has done a lot of work in Chagrin Falls and has seen the houses getting bigger and bigger and lots getting smaller and smaller. She said this particular area of the Village is really tight, and over the years she has seen a number of variances given that allowed very large houses on small lots. Ms. Dunning said the extent of their request is not like that. Ms. Self said the board must decide based on what the zoning code is now, and given the factors they must consider, she is struggling with the necessity, although she does understand the preference.

Mr. O'Toole said he understands Ms. Self's point completely, and the home, as it stands today, was probably okay for someone in 1954. The life of a community member in the 1950's was probably very different than the life of a community member in 2024. He said at some point it comes to the vitality of the community. He is not inclined to hold this hostage to what was okay in 1954. Ms. Woodbury said for the resale of a home, a two-car garage is a must. Ms. Dunning said the sad part is that if homes aren't remodeled and brought up to speed, nobody is going to buy them, and right now they are going for a premium price. She said it takes a lot to upgrade these older homes, and it is a benefit to the community to have these houses kept up and allow some of the property dimensions to change a little bit.

Ms. Self said she understands completely, but it is not their role to determine if the current zoning code is right, but instead to determine if the variance is necessary.

Mr. Mulloy asked if the proposed garage would be closer to the lot line than the previous garage was. Ms. Dunning said yes, by about 5'.

Ms. Woodbury said she went around the neighborhood and took photos of a number of addresses and examples of variances they were given. Ms. Duning said she is familiar with the properties in question, as she was serving on the Architectural Review Board at the time. There was a lot of jockeying around to get the approvals for the new homes that were built.

Mr. Buda said regarding the size of the proposed addition in its totality, since it is not referenced as needing a variance, he is assuming that the new structure, from a square footage standpoint, meets the code. Ms. Dunning said the lot coverage is 14%, with the addition. Mr. Hocevar said that is correct, and there is only one variance needed.

Further discussion continued and options were discussed as board members viewed the plan on the media screens.

Mr. Mulloy asked board members for any further questions. There were none. He said he appreciates the efforts the applicant put forth by exploring many different options, and he does recognize some of the limitations and restrictions due to grading. He said Mr. Buda made a great point in terms of total square footage on the parcel. He also recognizes that what he thinks is the safest, is to have a straight shot up the driveway, in and out of the garage, and moving it in a different direction would create more of a challenge.

Mr. Mulloy said for BZA Case #24-07 for 124 Fairview Road, he would like to make a motion to approve a side yard setback area variance of no greater than 5' from the north property line. Mr. Buda seconded. On roll call vote, Mike Mulloy-Yes; Lindsey Self-No; John Buda-Yes; Martin O'Toole-Yes; Cindy Matejcik-Yes. Motion carried.

Mr. Mulloy congratulated the applicants on obtaining the variance. Ms. Woodbury and Ms. Dunning thanked the board.

Agenda Item 2: BZA Case #24-08: Stephen Ciciretto, architect and applicant for the property located at **539 East Washington Street**, owned by RTB Partners LTD, is seeking approval for the following: a) A side yard setback area variance of 5' from the northeast property line, as applicant shows a proposed addition to be 10' from the side yard and per Section 5.02 of the South Russell Village Zoning Code, the minimum side yard setback must be 15' and b) A front yard setback area variance of 36', as applicant also shows the proposed addition to be 64' from front yard and per Section 5.02 of the South Russell Village Zoning Code, the minimum front yard setback must be 100'.

Mr. Mulloy welcomed Mr. Ciciretto, thanked him for his patience and asked him to begin his presentation.

Mr. Ciciretto thanked the board for hearing his case. He referred to the site plan on the media screens, and said it is from the original conceptual drawings he did about 30 years ago for the Park Place office building. Tom Burns owned the property at **539 East Washington**, which is the front building, and has since purchased and merged with the Park Place office buildings, and the 539 building was originally two houses that were converted into offices. He said they have shared parking on the complex, and there is plenty of spaces for all the buildings.

Mr. Ciciretto passed out another site plan to the board members, which more clearly indicated the scope of the variance request. He said the current front setback that is required is 100'. The satellite view of the property indicated the actual current setbacks. The strange thing about it is that the existing building is not compliant to the current side yard setbacks. The variance request is for conditions that already exist. The relatively small additions of approximately 600 square feet would allow the accounting firm to stay in the building.

Mr. Mulloy said essentially Mr. Ciciretto is requesting these variances because the existing footprint is currently non-compliant at both the side yard and the front yard, and the proposed additions would be less non-compliant. Mr. Ciciretto said that is correct.

Ms. Self asked if the addition would be encroaching on the driveway on Park Place. Mr. Ciciretto said no, there would not be any encroachments.

Mr. Ciciretto referred to the letter sent to the board, detailing the square footage of each office building, along with the parking spaces. The code requires one space for every 300 square feet of office space. The total required spaces on the campus, with the additions, would be 120, and there are 120 parking spaces. They do not have any reserved parking on the site, but there have never been any issues, and since the engineering firm moved out of 300 Park Place, they have an abundance of available parking spaces. He said many times, the only two cars on the east side of the 539 building belong to his wife and him.

Ms. Matejcik said when she visited the property, going towards the Chagrin Valley Times, she noticed the drainage system in that area and was curious if that would be impacted at all by the additions. Mr. Ciciretto said that is a good question; the sanitary sewer on Washington is actually higher than the buildings. The pipes that are visible are for all the buildings on the campus, and they all drain into the sanitary lift station. The lift station is much further to the south, and neither of the additions will impact it.

Mr. Ciciretto referred to the proposed changes to the striping of the parking spaces by the street and said by reorienting the spaces and enabling cars pull straight in, should make it a little easier to maneuver.

Mr. Mulloy asked board members if they had any further questions. There were none.

Mr. Mulloy said for BZA Case #24-08, Item A, regarding 539 East Washington Street, he would like to make a motion to approve a side yard setback area variance of no more than 5' from the northeast property line for the proposed addition. Ms. Self seconded. On roll call vote, motion passed unanimously.

Mr. Mulloy said for BZA Case #24-08, Item B, regarding 539 East Washington Street, he would like to make a motion to approve a front yard setback area variance of no more than 36' from the front yard right-of-way for the proposed addition. Discussion on motion: Mr. Buda asked what distance the variance should be approved for and if approval should be for the whole building. Ms. Self said she didn't think they would need approval for the whole existing building. Mr. Hicks concurred. Mr. Buda thought the approval should only be for the specific addition. Mr. Mulloy said he understands what he is saying, but if there was another phase in the future, they would have to get another variance, and only the application before them is being reviewed. Mr. Ciciretto clarified that both phases of the project are being done at the same time. Mr. Mulloy said essentially, the board is reviewing both additions tonight, and any future additional work would need a new application. **Mr. Buda seconded. On roll call vote, the motion passed unanimously.**

Mr. Ciciretto thanked the board.

Agenda Item 3: BZA Case #24-09: Police Chief Mike Rizzo, applicant on behalf of the Village of South Russell, is seeking an area variance for an accessory structure to be located at **1228 Bell Road**, as applicant shows the proposed drone vehicle garage height to be at 18' and 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 3' for the accessory structure.

Mr. Mulloy welcomed Chief Rizzo, and said he has reviewed the plans and understands the request but would like to give him the opportunity to explain his proposal. Chief Rizzo said they have been fortunate enough to receive a donation in order to obtain the drone vehicle, photos of which were provided to the board. This vehicle serves as the department's aviation unit. The department received another kind donation from the same donors for the garage, as they wanted their investment protected. The vehicle is just under 11' tall, and the garage door must be 12'. This is why they need a variance of no greater than 3' on the 15' height restriction.

Ms. Self said she was not aware the Village had a drone vehicle and asked if it was ever stored elsewhere. Chief Rizzo said they are part of a multi-jurisdictional unit called Valley Enforcement Group, and a number of departments share resources. He is in charge of the aviation unit, and they have about nine drones that are owned by the Valley Enforcement Group, along with tv monitors for streaming and satellite equipment. He said all this equipment used to be in the commander's personal vehicle before the drone vehicle was donated to them. The VEG had recently put a lot of funds towards their SWAT vehicles and couldn't afford another large vehicle. Before the drone vehicle was donated, the police department often used their personal vehicles to go out on the missions, such as searching for missing children and adults, and they would also accompany the SWAT team.

Ms. Self asked if the drones were launched from the vehicle. Chief Rizzo said the vehicle is only for transporting and storing the drones and other equipment, as well as the running of the command center. When they go on a call, the vehicle is parked, and the drones are launched outside of the vehicle.

Mr. Mulloy said as a point of discussion for the board members, the height of the drone vehicle is just under 11', which requires a 12' garage door, and due to headers and such, they are very close to the minimum height for clearance of the vehicle. Ms. Self said for the record, the police department was not able to choose the vehicle, since the vehicle was donated, so whether or not a different size vehicle was available, is irrelevant. Chief Rizzo said the vehicle was based on the plans and the research of the commander. This vehicle was the only one available at the time of the donation, and there was not a variety to choose from.

Mr. Mulloy asked board members if they had any further questions. There were none.

Mr. Mulloy said regarding BZA Case #24-09 he makes a motion to approve a total height variance of no greater than 3' for the accessory structure located at 1228 Bell Road. Ms. Self seconded. On roll call vote, the motion passed unanimously.

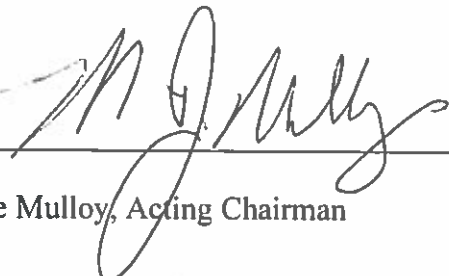
Chief Rizzo thanked the board.

Mr. Mulloy asked if the donation was from a private donor. Chief Rizzo said the new commander of the drone team has family members who owns vehicle dealerships down south. They knew the department needed a vehicle and very generously donated this one.

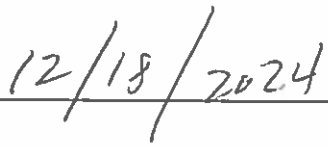
Old Business: None

New Business: None


There being no further business, Mr. Mulloy adjourned the meeting at 8:00pm.



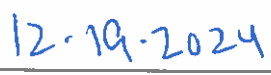
Mike Mulloy, Acting Chairman



Date



Ruth Griswold, Board Secretary



Date