

Minutes: Russell Township Board of Zoning Appeals  
Russell Town Hall  
January 7, 2019

Present: Steve Gokorsch, Chairman  
Nick Grassi  
William Downing  
Dushan Bouchek  
Sarah Moore, Vice-Chairman

Also in attendance: Shane Wrench, Zoning Inspector, Karen Walder, Secretary

The meeting was called to order at 7:00 p.m.

**Please see the attached transcripts for the official record of the Circle K meeting.**

**Variance Request #518** - Submitted by Edward Meyers (The Gallo Family Limited Partnership). Requesting a road frontage of 230.81' in lieu of 300' per section 5.2(B), and a lot width of 191.8' in lieu of the 300' required per section 5.2(B).

Ed Meyers 9925 Music Street, representing the Gallo Family Partnership, confirmed that he was sworn in.

Mr. Meyers stated his client would like a lot split taking a 160 Acre parcel and dividing it into two conforming lots and one lot which will require a frontage variance. His client believes this approach is preferable to building a road and sub-division on the parcels.

*Ms. Moore made the motion to open the meeting to public comment. Mr. Boucheck seconded the motion and it passed unanimously.*

Ray Voelker, 9000 Music Street, confirmed he was sworn in.

Mr. Voelker has no objections to the request as submitted and supports it. Mr. Voelker advised the board that the driveway should be located on the east side of the subject property due to the topography of the lot.

Michael Hays, 8848 Music Street, confirmed he was sworn in.

Mr. Hays thought that the property was going to the Western Reserve Land Conservancy, and that a road was going to be being put in. Mr. Hays likes the lot split idea which will result in few homes instead of a subdivision. He stated a subdivision would impact the character of the neighborhood and is in favor of the request.

*Mr. Downing made the motion to accept the Applicant's exhibit #1 as submitted. Ms. Moore seconded the motion and it passed unanimously.*

*Ms. Moore made the motion to close the public hearing for variance request #518. Mr. Bouchek seconded the motion and it passed unanimously.*

The board reviewed the factors used to establish a practical difficulty:

A) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance: **Yes: The property will yield a reasonable return without a variance, however with the variance development will be aligned with the character of the neighborhood.**

B) Whether the variance is substantial: **No: It is not substantial. Frontage variance is 23% and the side lot is 36%; neither the board considers as substantial.**

C) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance: **No: The applicant answered no. There was testimony from two neighbors that the character of the neighborhood would be preserved with this variance.**

D) Whether the variance would adversely affect the delivery of governmental services: **No: There was no testimony given otherwise.**

E) Whether the property owner purchased the property with the knowledge of the zoning restriction: **No: The applicant stated no. The property was platted before there was Zoning in the Township.**

F) Whether the property owners' predicament feasibly can be obviated through some method other than a variance: **No: A frontage and side lot width variance is required to allow one of the parcels to be buildable.**

G) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance: **Yes: Without a variance the lot would not be salable. Neighbor testimony supports the variance and is in keeping with the character of the neighborhood.**

H) Such other criteria which relate to determining whether the zoning regulation is equitable: **It was noted that there are riparian setback areas on the lot which will not be buildable. It was also noted that there is a small pump house located on the parcel to the east which was responsible for the side lot width variance, however the pump house may no longer be in use.**

*Ms. Moore moved to approve variance request #518 as submitted by the applicant. Mr. Boucek seconded the motion. Upon roll call the vote was Mr. Downing – Yes, Mr. Grassi – Yes, Mr. Boucek – Yes, Mr. Gokorsch – Yes. Ms. Moore – Yes. The motion passed unanimously.*

**Minutes of December 5, 2018** – *Mr. Downing made the motion to approve the minutes as presented. Mr. Boucheck seconded the motion and it passed unanimously.*

*Mr. Gokorsch made the motion to appoint Sarah Moore as the Vice-Chairman for 2019. Mr. Downing seconded the motion and it passed unanimously.*

*Ms. Moore made the motion to appoint Steve Gokorsch as the Chairman for the 2019 year. Mr. Grassi seconded the motion and it passed unanimously.*

There being no other business, Ms. Moore made a motion to adjourn. Mr. Boucheck seconded and the meeting adjourned at 11:20 p.m.

Respectfully submitted,

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Fiscal Officer, appointed to serve      Date  
as Secretary of the Board of Zoning Appeals  
Recorded by: J. Dorka

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Steve Gokorsch      Date  
Chairman