

Minutes: Russell Township Board of Zoning Appeals
Russell Township Hall
November 13, 2023

Present: Mr. Steve Gokorsch, Chairman
Mr. Dushan Boucek, Vice-Chairman
Mr. Bill Downing
Ms. Nicole Mulloy

Also in attendance: Mr. Shane Wrench, Zoning Inspector; Mrs. Cathleen Birli, Zoning Secretary

Mr. Mark McGrievy was absent with apologies.

The meeting was called to order at 7:01 p.m.

Mr. Gokorsch advised the Applicants that there was a four-member board, therefore the Variance Requests approval requires the majority vote, three members, of the board. Mr. Gokorsch gave Mr. Rantino – Variance #553, Mr. Romanini – Variance #554, Mr. Comoso (Premier Builders representing the Mikash property) - Variance #555, and Mr. Roose (Strollo Architects representing Russell Township) – Variance #556, the chance to postpone their meeting until there could be a full board.

All Applicants declined to postpone their meeting.

Eleven (11) attendees were sworn in.

Variance Request – Continuance - #553 from October 2, 2023

Mr. Gokorsch made the motion to open the public meeting for variance request #553, Mr. Downing seconded the motion and it passed unanimously.

Submitted and continued by Mr. David Ratino. The property is located at 13657 Fox Hills Drive. Parcel #26-028550. The property is in the R3 District. The Applicant is seeking to obtain a variance to construct a 20' x 20' detached garage within the side yard setback. The proposed project would encroach into the 30' side yard, leaving the side yard setback at 10'. This would require a variance of 20'. Resolution Book 5.2(B) in a R3 Zone: Side yard setback requires 30'.

Mr. Ratino, confirmed he was sworn in.

Mr. Ratino stated he found the property line pins which was the contingency for the variance. Zoning Inspector came out to verify and take measurements. The side yard side yard setback is now 13 feet not 10 feet as stipulated on the application. This would require a variance of 17', not the 20' as stipulated in the original application.

Mr. Boucek asked if there would be a landscape buffer. **Mr. Ratino said Yes. He will be planting 20' of shrubbery between the property lines.**

Mr. Gokorsch asked if the structure will be constructed in the character of the neighborhood. **Mr. Ratino said Yes.**

Mr. Gokorsch asked if there will be lighting. **Mr. Ratino said No. Power? No. Water/Sewer? No.**

Mr. Bouчек asked what will be stored in the structure. **Mr. Ratino said lawn equipment and a possible car. The loft will be used for seasonal storage.**

Mr. Gokorsch asked what the flooring will be. **Mr. Ratino said the floor will be loose stone.**

Comments from the Public

Mr. Jeff Romanini, 13630 Fox Hill Drive. Confirmed he was sworn in.

Mr. Romanini stated he lives right across the street from Mr. Ratino and has no issue with the construction of the structure.

Mr. Gokorsch asked the Zoning Inspector to sign and date the measurement photos (Exhibit A).

Exhibit A (lot measurement photos)

Mr. Downing made a motion to accept the applicants' (Exhibit A) into the record. Ms. Mulloy seconded the motion and it passed unanimously.

Mr. Bouчек made a motion to close the public hearing for variance request #553. Mr. Downing seconded the motion and it passed unanimously.

The Board reviewed the Duncan Factors for Variance #553

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 in question will yield a reasonable return.

B) Whether the variance is substantial:

Yes. This is a 43% side yard setback.

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: there was no testimony given. A neighbor stated the structure will fit in with the neighborhood.

D) Whether the variance would adversely affect the delivery of governmental services:

No. No testimony given.

E) Whether the property owner purchased the property with the knowledge of the zoning restriction:

No. As stated in the application.

F) Whether the property owners' predicament feasibly can be obviated through some method other than a variance: **No. No testimony was given, however, a variance is needed to place the garage here.**

G) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance: **Yes.**

H) Such other criteria which relate to determining whether the zoning regulation is equitable: **Yes. The structure will be shielded by shrubbery. The lot is an odd shape on a curve in the roadway.**

Mr. Boucek made the motion to approve variance #553, Mr. Downing seconded the motion. Upon roll call, the vote was, Ms. Mulloy - yes, Mr. Downing - yes, Mr. Boucek - yes, Mr. Gokorsch - yes. The motion was approved.

Variance Request #554

Mr. Gokorsch made the motion to open the public meeting for variance request #554, Mr. Downing seconded the motion and it passed unanimously.

Submitted by Mr. Jeff Romanini. The property is located at 13630 Fox Hills Drive. Parcel #26-150950. The property is in the R3 District. The Applicant is seeking to obtain a variance to construct a 24' x 24' accessory structure within the side yard setback. The proposed project would encroach into the 30' side yard, leaving the side yard setback at 22'. This would require a variance of 8'. Resolution Book 5.2(B) in a R3 Zone: Side yard setback requires 30'.

Mr. Romanini confirmed he was sworn in.

Mr. Romanini stated that his lot is a pie shape, the farther back you go towards the rear of the property, the wider the lot becomes.

He stated that he would like to move the existing 12' x 24' structure over to the Southeast side of the lot and build a new 24' x 24' accessory structure in its place, using the 24' x 24' gravel based foundation already there.

Mr. Gokorsch asked what the floor of the existing shed will be when it is moved to the Southeast side of the property. **Mr. Romanini stated gravel.**

Mr. Gokorsch asked what the new accessory structure floor would consist of. **Mr. Romanini stated the new structure will also be gravel.**

Mr. Boucek asked what the new accessory structure materials will be used for construction. **Mr. Romanini said 4' x 6' treated plywood.**

Mr. Gokorsch, reviewing the submitted exhibit showing the new structure, asked if the new accessory structure will 22' feet from the lot line. **Mr. Romanini said Yes.**

Mr. Gokorsch asked if there would be power. **Mr. Romanini said No. Water/septic? No. Lighting? No.**

Mr. Boucek asked what the loft will be used for. **Mr. Romanini said that loft will be used for seasonal storage because his basement is half a crawl space.**

Mr. Boucek, reviewing the submitted aerial exhibit, asked what vehicles are parked next to the driveway? **Mr. Romanini said one is used to move the tractor and the other three are four wheelers. Are these going into the new structure? No, they will not fit. Can they be moved? Yes, but the topography of the backyard is 2 ½' lower than the front of the property. It is basically a swamp. He stated he will look into moving the trailers to higher ground on the property.**

Mr. Boucek stated that the area where the new accessory structure will be located will be exposed with no landscaping to screen the structure. **Mr. Romanini stated Yes, it is exposed, but he will plant four or five pine trees, eight or nine feet high, to screen the structure.**

Mr. Boucek asked if the new accessory structure could be moved closer to the house? **Mr. Romanini said No, because the shape of the lot and the 24' x 24' foundation is already there from the old structure being moved. This will be the most practical and least expensive placement.**

Mr. Boucek reviewing the submitted site plan, asked Mr. Romanini to clarify the other structures on the lot. **Mr. Romanini stated that is a garden which is right behind the house. And beyond that point? A fire Pit. The area farthest back of the property is a swing Set.**

Mr. Boucek verified that the new accessory structure will be using the current foundation. **Mr. Romanini said Yes.**

Mr. Downing asked if the new accessory structure is a two story building. **Mr. Romanini said Yes. The color will be white, and will either have a vinyl or asphalt roof color to match the house.**

Comments from the Public

Mr. Ratino, 13657 Fox Hills Road.

Confirmed he was sworn in.

Mr. Ratino stated he lives directly across the street from Mr. Romanini, and has no objections to the accessory structure.

Mr. Gokorsch asked if the new structure will fit in with the character of the neighborhood. **Mr. Ratino said Yes.**

Mr. Boucek made a motion to close the public hearing for variance request #554. Ms. Mulloy seconded the motion and it passed unanimously.

The Board reviewed the Duncan Factors for Variance #554

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. This request is for a new larger Barn.

B) Whether the variance is substantial:

Yes. 26% is 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 neighbor directly across the street had no objection.

D) Whether the variance would adversely affect the delivery of governmental services:

No. No testimony given.

E) Whether the property owner purchased the property with the knowledge of the zoning restriction:

Yes. The applicant stated yes on the application.

F) Whether the property owners' predicament feasibly can be obviated through some method other than a variance: **No.**

- 1) **Constraint odd shape of the lot.**
- 2) **The re-use of the existing gravel base.**
- 3) **Existing driveway in place.**
- 4) **2' drop off of lot.**

G) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance: **Yes.**

H) Such other criteria which relate to determining whether the zoning regulation is equitable: **Yes. The applicant agreed to screen the new structure with four (4) or five (5) additional pine trees.**

Mr. Boucek made the motion to approve variance #554, as amended, to add additional screening, using four (4) to five (5) pine trees upon completion, Mr. Downing seconded the motion. Upon roll call, the vote was, Ms. Mulloy yes, Mr. Downing yes, Mr. Boucek yes, Mr. Gokorsch yes. The motion was approved.

Variance Request #555

Ms. Mulloy made the motion to open the public meeting for variance request #555, Mr. Bouchek seconded the motion and it passed unanimously.

Submitted by Mr. Brad Composo, Architect, Premier Builders, for Mr. & Mrs. Nicholas Mikash. The property is located at 13640 Heath Road. Parcel #26-063300. The property is in the R5 District. The Applicant is seeking to obtain a variance to build a new home within the side yard setback. The proposed project would encroach into the 50' side yard, leaving the side yard setback at 35.44 feet. This would require a variance of 14.56 feet.

Mr. Gokorsch stated that the house is a pre-existing 3 acre lot.

The Zoning Inspector stated a variance is needed to build the house. In 2017, seven (7) years ago, there was a variance hearing which indicated that this is a plotted lot, grandfathered, and no variance was needed to build a house. The property is located in the R5 District but is under five (5) acres, but the house still needs to follow the R5 setbacks.

Mr. Composo, Architect Premier Custom Builders, 49 West Orange Street, Chagrin Falls, Ohio 44022. Confirmed he was sworn in. Stated he was representing Mr. & Mrs. Mikash.

Mr. Composo said Mr. & Mrs. Mikash purchased the lot eight (8) months ago on Heath Road and did not understand the setbacks. The house will be a one (1) story with a walkout basement, using geothermal heating. Speaking with the Zoning Inspector they realized they were non-conforming.

Mr. Composo tried to redesign the house by putting the garage in front of the house but decided that the house would lose curb appeal. He tried designing the garage in the back of the house, but the natural grading made that design unbuildable.

Mr. Composo also stated there would be financial hardship for Mr. & Mrs. Mikash if the variance was not approved.

The Zoning Inspector stated that a side entry garage is in line with other homes in the neighborhood.

Mr. Bouchek asked the width of the property. Mr. Composo said 161', which is what was grandfathered. The Zoning Inspector verified that is what the Planning Commission confirmed.

Mr. Gokorsch asked what the practical difficulties were. Mr. Composo said there are four (4) reasons for the variance. 1. Width of the lot. 2. The grade of the property going towards the rear, which a garage would not be buildable. 3. Soil boring. 4. Septic behind the house.

Mr. Composo stated he reached out to Geauga County Soil & Water because there was only 4' from the driveway to the retaining wall. Geauga County Soil & Water determined the best

placement of the house would be moving the house 14.56 feet to the South, instead of the house being 14'.56 to the North.

Mr. Gokorsch asked if the house would now be on the South side of the lot. **Mr. Comoso said Yes.**

Comments from the public

Mr. John Rode, 13570 Heath Road, Russell, Ohio 44072.

Confirmed he was sworn in.

Mr. Rode has no issue with the variance request. He is concerned about the five (5) acres needed to build the house.

Mr. Gokorsch stated the lot of record was R3 before the R5 change. The lot is buildable.

Mr. Gregory Chambers, 13629 Heath Road, Newbury, Ohio 44065.

Confirmed he was sworn in.

Mr. Chambers stated his concern is the lot is not grandfathered in, six (6) years ago the board stated they needed a lot size acreage variance for five (5) acres, since it was in an R5 District.

Mr. Gokorsch stated the lot is a "Lot of record", we do not get to vote on that. Many lots within a past District Zone have been changed, which leaves the smaller lots grandfathered in.

Mr. Michael Kane, 13685 Heath Road, Newbury, Ohio 44065.

Was sworn in to testify.

Mr. Kane stated he was at the 2017 Board of Zoning Appeals meeting and the lot was not buildable. In 1950 the development was subdivided from three (3) acres to five (5) acres.

The Zoning Inspector stated the Geauga County Prosecutor and Geauga County Planning Commission confirmed it is a pre-existing lot of record. The lot was granted a driveway permit May 17, 2023.

The Zoning Inspector will verify with County Prosecutor.

See Attachment from County Prosecutor.

Mr. Comoso stated he was told it is a buildable lot and he is just asking for a variance. He did his due diligence, and he is kindly asking for the variance to be voted on, pending legal department review.

Mr. Gokorsch said we will vote on the variance under the assumption it is a buildable lot per legal

department review, if not, our ruling will be void. Mr. Gokorsch asked Mr. Composito if he was good with this ruling. **Mr. Composito said Yes.**

Mr. Boucek asked where the septic would be located. **Mr. Composito stated, referencing the exhibit, the septic will be off the back of the house.** How many bedrooms? **Not sure.**

Mr. Boucek asked about the water well easement on the lot. **Mr. Composito said the easement happened seven (7) years ago and is of record with the Geauga County Planning commission. We are respectful of the easement.**

Mr. Gokorsch asked if the variance is for 14.56 feet side yard setback on the South side lot line versus the required 50'. **Mr. Composito said Correct.**

Mr. Gokorsch asked if the submitted exhibit shows the updated placement of the house. **Mr. Composito said No. He does have a new exhibit showing the new placement.**

Mr. Gokorsch asked Mr. Composito, to sign and date (Exhibit 1) showing new placement of house.

Exhibit 1 (lot improvement plan – new placement of house)

Mr. Downing made a motion to accept the applicants' (Exhibit A) into the record. Mr. Gokorsch seconded the motion and it passed unanimously.

The Board reviewed the Duncan Factors for Variance #555

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: **No: a variance is required.**

B) Whether the variance is substantial:
Yes. Approximately 29%.

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. No testimony given.

D) Whether the variance would adversely affect the delivery of governmental services:
No. No testimony given.

E) Whether the property owner purchased the property with the knowledge of the zoning restriction:
No. The builder discovered the issue later.

F) Whether the property owners' predicament feasibly can be obviated through some method other than a variance: **No.**

G) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance:
Yes. Without the variance the lot is not buildable with a side facing garage that aligns with the

other houses in the neighborhood.

**H) Such other criteria which relate to determining whether the zoning regulation is equitable:
Applicant modified the variance to shift the house from the North side of the lot to the South side of the lot. This was recommended by Geauga County Soil & Water.**

*Mr. Boucek made the motion to approve variance #555, as amended, to move home to the South side of the lot, verify pre-existing lot with Prosecutor, and new grading plan for new home location. Ms. Mulloy seconded the motion. Upon roll call, the vote was, Ms. Mulloy - yes, Mr. Downing - yes, Mr. Boucek - yes, Mr. Gokorsch - yes.
The motion was approved.*

Variance Request #556

Ms. Mulloy made the motion to open the public meeting for variance request #556, Mr. Boucek seconded the motion and it passed unanimously.

Submitted by Mr. David Roose, Architect, Strollo Architects, for Russell Township, 8501 Kinsman Road. Parcel #26-707024. The Applicant is seeking to obtain a variance to build a detached meeting hall within the rear yard setback. The proposed project would encroach into the 65' rear yard setback, leaving the rear yard setback at 13'. This would require a variance of 52'.

Mr. Gokorsch stated that the Board of Zoning Appeals will rule on the variance, just like any other citizen. If the Board rules against the Township they have a right to go before the Geauga County Common Appeals Court, to appeal.

Mr. Matt Rambo, Russell Township Trustee, Chairman, 8501 Kinsman Road, Russell Township, 44072.

Confirmed he was sworn in.

Mr. Rambo agreed with Mr. Gokorsch statement and agrees to the Board of Zoning Appeals has jurisdiction to rule, on the variance, and the Township is required to make a reasonable attempt to comply.

Mr. David Roose, Architect, Strollo Architects, 201 W. Federal Street, Youngstown, Ohio 44503.

Confirmed he was sworn in.

Mr. Roose stated the rear setback variance is to reduce distance from the required 50' plus a 15' commercial buffer zone adjacent to residential property. This will be a 65' required rear setback to a 13' rear setback.

Mr. Gokorsch asked if this was a practical difficulty variance. **Mr. Roose said Yes. The site of the existing parking will need more parking spaces. The parking will be added to the North side of the lot.**

Mr. Downing asked how many spaces, in total, are needed. **Mr. Roose said they are adding fourteen (14) but does not know how many spaces there are now.**

Mr. Downing asked if the structure can be moved to the West or East of the lot. **Mr. Roose said No. There is a 6' slope to the West and on the East side there is no place to build.**

Mr. Gokorsch asked if the structure could be moved to the Township lot to the West, where the old fire department was, the footprint is comparable to the structure. **Mr. Rambo said No. There is no parking lot there and it is not a sufficient area.**

Mr. Downing asked the size of the structure. **Mr. Roose said it will be 2,760 square feet with a 75 person occupancy.**

Mr. Gokorsch asked if there is a different location on either of these Township lots. **Mr. Roose said No. The East side has the sewer lines for drainage, the North side is the well/gas/water from the existing administration building, and the Northeast side supplies the electric.**

Ms. Mulloy asked what material will be used to build the structure. **Mr. Roose said it will be stone wall with concrete. The retaining wall will be landscape block.**

Mr. Bouchek asked if there was any way they could use the lot that was the old fire department. **Mr. Rambo said No. The driveway will be tunnel like, to get to the parking, and the two buildings will be facing each other. This will cause grading issues.**

The Zoning Inspector said that the old fire department is now the recycle center.

Mr. Roose said there will still need to be a sideyard setback if the structure was put at the old fire department.

Ms. Mulloy asked how many acres is the property South, behind the proposed structure, facing Chillicothe Road. **The Zoning Inspector said eleven (11) acres.**

Mr. Gokorsch asked what that property is zoned. **The Zoning Inspector said R5.**

Mr. Bouchek verified the total occupancy is 75 people for the structure. **Mr. Roose said No. It has an occupancy for 125 people.** How many parking spaces do you need for the 125 people? **Not sure, he thinks it is 14 parking spaces for 75 people.**

Mr. Rambo stated that the Russell Town Hall has an occupancy of 157 people and not that many parking spaces to accommodate the occupancy.

Mr. Gokorsch stated the Russell Town Hall was built at the turn of the century, which had a different code.

The Zoning Inspector stated that it is one (1) space per 200' square feet.

Mr. Bouchek asked if there would be a sidewalk. **Mr. Roose said Yes.**

Mr. Bouchek asked if the storm line will be outside the retaining wall. **Mr. Roose said the under drain will be a 4" gravel bed screen that will move the water to a catch basin, 3' high.**

Mr. Bouchek asked about lot coverage. **Mr. Roose said 10% of the lot coverage will be the new structure and 29% is the total lot coverage. He is not sure if this includes parking.** Mr. Bouchek is asking for clarification for approval of the variance.

Mr. Gokorsch asked the Zoning Inspector to verify compliance with lot coverage requirements.

Mr. Downing asked what the building timeline is. **Mr. Rambo said completion will be September 20, 2024 and Mr. Roose said the occupancy permit will be October 20, 2024.**

Mr. Gokorsch asked Mr. Roose to sign and date (Exhibit 1) showing lift station, utilities and well placement.

Exhibit 1 (lift station, utilities, well)

Mr. Downing made a motion to accept the applicants' (Exhibit 1) into the record. Ms. Mulloy seconded the motion and it passed unanimously.

The Board reviewed the Duncan Factors for Variance #556

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.

B) Whether the variance is substantial: Yes. Approximately 80%

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 Zoning Inspector stated the character is not impacted. The adjacent neighbor was not in attendance.

D) Whether the variance would adversely affect the delivery of governmental services: No.

E) Whether the property owner purchased the property with the knowledge of the zoning restriction: Yes.

F) Whether the property owners' predicament feasibly can be obviated through some method other than a variance: No: no other locations on adjacent property suitable. Tying into existing lift station/sewer/gas and using existing water softener makes this an ideal location.

G) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance: Yes.

H) Such other criteria which relate to determining whether the zoning regulation is equitable: With condition to verify total lot coverage for parking/impervious areas to not create water issues.

13640 Heath Rd.

Shane Wrench

From: Wieland, Susan [REDACTED]
Sent: Tuesday, November 14, 2023 8:01 AM
To: Shane Wrench
Subject: Re: 13640 Heath Road

Hello Shane,

Yes, I agree with Linda. As I was cc'd on the emails, I was following along with the exchange between you and Linda.

Thank you,
Susan

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From: Shane Wrench <swrench@russelltownship.us>
Sent: Tuesday, November 14, 2023 7:41:03 AM
To: Wieland, Susan [REDACTED]
Subject: FW: 13640 Heath Road

Good morning Susan,
I wanted to see if you could review the email below from Linda Crombie. We had an applicant seven years ago come before the BZA and a Board Member misspoke and told the applicant they needed a variance for Acreage. It was later revealed that the lot was in existence before the Zoning was changed to R5. Thus, making it a legal non-conforming lot of record and as Linda has state, would be in good standing, as we have numerous other lots that are in the same scenario. Just wanted to bounce this off you as well and assure the property owner.
Thank you,

Shane Wrench
Russell Township Zoning

From: Crombie, Linda <LCrombie@CO.GEAUGA.OH.US>
Sent: Monday, October 23, 2023 11:48 AM
To: Shane Wrench <swrench@russelltownship.us>
Subject: RE: 13640 Heath Road

Shane,

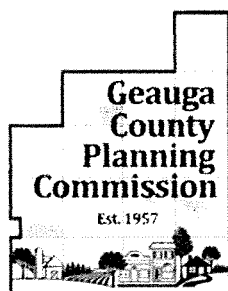
Section 7.5 covers legal non-conforming lots of record so if a lot pre-dates the lot area requirements (frontage or acreage), this section allows for a dwelling to be constructed as long it complies with the minimum building setback requirements.

Section 7.2 is a general "catch all" statement to cover situations when zoning changes that any existing building, structure and use that becomes non-conforming by virtue of a change in zoning, are permitted to continue but are still subject to Section 7. Example: say a side yard setback of 10 feet was required and the zoning was later changed to 20 feet. Any structure at 10 feet is allowed to continue as long as it was originally issued a zoning certificate.

The second part of Section 7.2 covers situations where a building, structure, or use was already issued a zoning certificate when the zoning happens to change. I don't think that is what the former BZA member was referring to nor is it germane to the current situation.

You can always double check with Susan.

Thanks.



Linda M. Crombie, AICP
Planning Director
Gauga County Planning Commission
12611 Ravenwood Dr. Suite #380
Chardon, Ohio 44024
Phone: (440) 279-1740
Email: Lcrombie@co.geauga.oh.us

From: Shane Wrench <swrench@russelltownship.us>
Sent: Monday, October 23, 2023 11:03 AM
To: Crombie, Linda <LCrombie@CO.GEAUGA.OH.US>
Subject: 13640 Heath Road

Hello Linda, I wanted to reach out on the Heath Road property one last time. The property owner has submitted for a variance do to not being able to meet the side yard requirement. As we have established, the property in question was in place prior to 1974, when the R3-R5 districts were created, making it a legal non-conforming lot of record. I was just going through the minutes from a previous hearing on this property. I think I had previously mentioned that one of the BZA Members stated they would require an acreage variance based on Chapter 7 of our zoning Resolution.

7.5 : NONCONFORMING LOTS OF RECORD: In any district in which single family dwellings are permitted, a single family dwelling or an accessory building may be constructed, erected, reconstructed, enlarged, or altered on a lot of record, which is held in single and separate ownership, and which is nonconforming to the regulations for such district.

I'm not sure if I'm missing something? It also refers to "future amendments" in 7.2 where a non-conformity is created because of a future amendment to this Resolution, which is this property. It does state however that they have 12 months to complete construction from the effective date of any such amendment. Would this possible be what the BZA Member was referring to?

We have had numerous other properties that fell short and were deemed pre-existing and they only needed to meet the setbacks/frontage requirements.

Looking for a bit of clarity if you see something I don't.

Best regards,

Shane