

**Minutes: Russell Township Board of Zoning Appeals
Russell Fire-Rescue Station
June 19, 2017**

Present: Steve Gokorsch, Chairman
Dushan Boucek
William Downing
Nick Grassi
Sarah Moore

Also in attendance: Shane Wrench, Zoning Inspector; Jennell Dahlhausen, Zoning Secretary; Joseph Weiss; Congressman David Joyce; Keighle Joyce; Karl Hack; Herta Hack.

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

The Zoning Secretary stated the Public Hearing was advertised in the Chagrin Valley Times.

VARIANCE REQUEST #502: Requesting 202 foot frontage in lieu of the 300 feet required in an R-5 Residential zoned district per Section 5.2(B).

The audience members were sworn in.

Mr. Gokorsch stated there was a critical number missing from page 3, M on the application. Mr. Joyce filled out line M. to state: Requesting a 202 foot lot frontage, in lieu of the 300 feet required in an R-5 zoned district per section 5.2(B).

Ms. Moore moved to open the public hearing for variance request #502, seconded by Mr. Boucek. Motion passed unanimously.

Mr. Gokorsch asked Mr. Joyce if all of the statements in his variance application were truthful, and he responded yes.

Mr. Weiss, Joyce's attorney, spoke on his behalf. He stated Mr. Joyce bought a 26.31 acre parcel on Music street in 1989. The frontage of that property is 502 feet and they are proposing to split the lot into two parcels of 5.2517 and 20.8953 acres respectively. The proposed lot with the home on it (5.2517 acre lot) meets the required frontage requirements in an R5 zone but the other parcel will only have 202 feet frontage. Therefore, Mr. Joyce is requesting a variance of 98 feet.

Mr. Joyce has been trying to sell the property for a while but there is no one with interest in the larger 26 acre lot. A real estate study was completed and it determined there is a market in this area for smaller lots. There is someone interested in purchasing the existing home if the lot is split. If the lot split is approved, Mr. Joyce plans to talk with the Geauga Park District about acquiring the 21 acre property or he might keep the property for his family to build on. The Geauga County Planning Commission has reviewed and approved the lot split but is waiting on Russell Townships approval.

Mr. Weiss provided the lot frontage requirements for Newbury Township, which is next door to this lot and within 300 feet of Joyce's property. Newbury requirement is 200 feet frontage and Mr. Weiss

added there are many other neighboring lots in this area within Russell Township that don't meet the 300 foot requirement as noted in an exhibit.

Mr. Gokorsch asked for some clarifications on notations in the 21 acre survey map provided. It was clarified that these notations were riparian setbacks. Mr. Gokorsch told Mr. Joyce to be aware that riparian areas on the 21 acre lot wouldn't be buildable.

Mr. Boucek felt the applicant might need a variance for the lot width as well. The Zoning Inspector stated the applicant wouldn't need a variance for the width because that is determined at the building line and if he builds on the wider section of the lot, it meets the required width. The board reviewed the Zoning Resolution and asked the applicant to revise his variance to include a request for a lot width variance. Mr. Joyce revised page 3, M. to state: Requesting a 202 foot lot frontage and a 180 foot lot width measured at the setback line, in lieu of the 300 feet required in an R-5 zoned district per section 5.2(B).

Being that there was no further comment from the public, Mr. Boucek moved to close the public hearing for variance request #502, seconded by Ms. Moore. Motion passed unanimously.

Mr. Downing moved to accept exhibit #1 – a map from REALink denoting neighboring properties frontages, exhibit #2 – a lot survey submitted by Rudy Swartz, and exhibit #3 – a copy of Newbury Townships Resolution with the frontage requirement, for variance request #502, seconded by Mr. Boucek. Motion 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: *The applicant answered the lot as presently configured is not entitled to a zoning certificate without a variance and will not yield a reasonable return unless it was developed as a multi lot subdivision. Mr. Joyce stated a test was completed on the real estate market, which showed that lots smaller than 26 acre are more desirable in the area. With the lot split, there will be one compliant 5 acre lot and one non-compliant 21 acre lot.*
- B) Whether the variance is substantial: *The applicant answered the variance request is for 98 feet, which represents a 32% reduction from the required 300 feet and is not substantial. The board, except for Mr. Downing, feels this is not 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: *The applicant answered that many lots in the neighborhood have less than the 300 feet frontage. The Board added exhibit 3 indicates the frontage requirement of 200 feet in Newbury Townships Zoning Resolution and exhibit 1 shows the frontages on the neighboring properties, which varies from 105 feet to 600 feet. There was no testimony from any neighboring property owners regarding impact on the character of the neighborhood.*
- D) Whether the variance would adversely affect the delivery of governmental services: *The applicant answered no. The Board added there is no testimony to the contrary.*

E) Whether the property owner purchased the property with the knowledge of the zoning restriction: *The applicant answered he was not aware when he purchased the property in 1989. There was not deed available to indicate otherwise.*

F) Whether the property owners' predicament feasibly can be obviated through some method other than a variance: *The applicant answered not unless the property owner were to create a multi parcel subdivision. The board felt a variance would be necessary.*

G) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance: *The applicant answered yes, the 20.8953 (21 acre) acre parcel will be a single residential lot maintaining the residential quality and integrity of the neighborhood. The request is not substantial and permits consistent usage without creating a multi parcel subdivision. The applicant also testified that he is a longtime resident and he wants to preserve the character of the neighborhood.*

H) Such other criteria which relate to determining whether the zoning regulation is equitable: *The Board stated the new parcel will only be a single lot and will not be a subdivision. There is however, a substantial number of unbuildable riparian setbacks on the proposed lot.*

Mr. Downing moved to approve Variance #502 as amended by the applicant, seconded by Ms. Moore. In favor; Mr. Downing, Mr. Gokorsch, Mr. Grassi, Ms. Moore. Against; Mr. Boucek. Motion approved.

The board took a small break from 7:50 p.m. to 7:55 p.m.

FINDINGS OF FACT: *Mr. Downing moved to approve the Findings of Facts for variance request #500 from Dennis Latini of 14073 East Willard Road, seconded by Mr. Boucek. In favor; Mr. Boucek, Mr. Downing, Mr. Gokorsch, Mr. Grassi. Abstained; Ms. Moore. Motion passed.*

MINUTES OF MAY 1, 2017: *Mr. Downing moved to approve the minutes of the May 1, 2017 meeting, seconded by Mr. Boucek. In favor; Mr. Boucek, Mr. Downing, Mr. Gokorsch, Mr. Grassi. Abstained; Ms. Moore. Motion passed.*

OTHER BUSINESS: The Zoning Secretary asked if the board would like to reschedule the next meeting since Mr. Boucek isn't available July 3rd.

Mr. Grassi moved to reschedule the July 3, 2017 meeting to July 10, 2017, seconded by Mr. Boucek. Motion passed unanimously.

Mr. Gokorsch asked the Zoning Inspector if he looked into Ms. Kovacs issue with drainage coming from Mr. Latini's property onto her property, as discussed at the last meeting. The Zoning Inspector stated he visited the site multiple times and didn't notice any issues.

Mr. Downing asked if there were any complaints to the Zoning Department concerning the Laurel Live event. The Zoning Inspector didn't receive any complaints and the Zoning Secretary added that Laurel Schools are very good with keeping the neighboring properties included with the event discussions so they are aware what is going on.

Being that there was no further business to come before the Board, Mr. Boucek moved to adjourn, seconded by Ms. Moore. The meeting adjourned at 8:07 p.m.

Jennell Dahlhausen 7/10/17
Jennell Dahlhausen Date
Zoning Secretary

Steve Gokorsch 7/10/17
Steve Gokorsch Date
Chairman