

**Minutes: Russell Township Board of Zoning Appeals
Russell Fire-Rescue Station
May 1, 2017**

Present: Steve Gokorsch, Chairman
Dushan Bouchek
William Downing
Nick Grassi

Absent: Sarah Moore

Also in attendance: Shane Wrench, Zoning Inspector; Jennell Dahlhausen, Zoning Secretary; Charlie Butters; Mary Kovacs; Creighton Kovacs, Sr.; Creighton Kovacs, Jr.; Dennis Latini; Kathy Jankowski, Laurel School; Matt Stanich, Laurel School; Mary Ann Pellerano, Laurel School; John Maylter; Chris Vincent; Gene Ratajczak; Richany Clank; Sandi & Joe Schaab; Joseph Chop, John Mayher.

The meeting was called to order at 7:08 p.m.

LAUREL SCHOOL ANNUAL MAINTENANCE REPORT: Ms. Jankowski provided a maintenance report to the board. She also provided a letter from the Chagrin River Watershed Partners that gave the recommendation of maintaining the multiflora rose on the campus. The staff continues to work on controlling invasive species.

Mr. Gokorsch asked if the chemicals are still locked up at the school, to which he was assured they are still. Ms. Jankowski added that they seem to be using less chemicals every year since they are keeping on top of the invasive plants when they first see them. The Board thanked Laurel School staff for their information and attending the meeting.

The Zoning Secretary stated the Public Hearings were published in the Chagrin Valley Times.

The audience members were sworn in. The Chairman noted that everyone who wants to testify will be required to state their name and address and verify that they have been sworn in. He also noted that the applicants would be required to swear to the veracity of their request.

VARIANCE REQUEST #500: Requesting a variance of 150 feet due to having 150 feet lot frontage in lieu of the 300 feet required in an R-5 Residential zoned district per Section 5.2(B).

Mr. Grassi moved to open the public hearing for variance request #500, seconded by Mr. Downing. Motion passed unanimously.

Mr. Gokorsch asked Mr. Latini if all of the statements in his variance application were truthful. Mr. Latini stated they are and that he purchased the property in June of 2016. Mr. Latini told the board his lot is 3.2 acres, which is just above the threshold to fall under the smaller lot frontage required of lots less than 3 acres. The Chair noted there is a small parcel next to this property which is not included in his lot and inquired about its history. Mr. Chop, a neighbor, stated this narrow piece of land was donated to the township because it was not a buildable lot.

Mr. Boucek asked if this is the largest lot in this area. Mr. Latini stated the lot is comparable to most other lots.

Mr. Kovacs, Jr. asked if the variance is granted, if it would allow Mr. Latini to not have to abide by side and rear setbacks established in the Zoning Resolution. Mr. Gokorsch stated that Mr. Latini is only requesting a frontage variance and would still have to build within the proper setbacks. Mr. Gokorsch asked if Mr. Kovacs, Jr. thought granting the variance would alter the character of the neighborhood. Mr. Kovacs, Jr. stated no.

Ms. Kovacs stated there is an issue with drainage coming from this property onto her property. Mr. Gokorsch stated this issue doesn't have to do with the variance request and referred the issue to the Zoning Inspector. He asked the zoning inspector to visit the site to review drainage.

Being that there was no further comment from the public, Mr. Boucek moved to close the public hearing for variance request #500, seconded by Mr. Grassi. Motion passed unanimously.

Mr. Downing moved to accept exhibit #1 – a map denoting neighboring properties and structures and exhibit #2 – allotment map with Mr. Latini's lot highlighted for variance request #500, 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 there is no beneficial use of the property without a variance. The Board agrees.*

B) Whether the variance is substantial: *The applicant answered no. The Board stated the applicant is requesting a 50% variance or 150 feet from the required 300 feet, which 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 applicant answered no, all other neighboring properties have equal or less frontage. The Board added there was testimony that the character of the neighborhood would not be altered*

D) Whether the variance would adversely affect the delivery of governmental services: No; *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: Yes; *The applicant answered yes but the previous Zoning Inspector advised them it was a buildable lot. The Board added there is no indication otherwise.*

F) Whether the property owners' predicament feasibly can be obviated through some method other than a variance: No; *The applicant answered no. The Board added there are no other options.*

G) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance: Yes; *The Board stated if the variance is granted it will allow for the last vacant lot to be built on in this development.*

H) Such other criteria which relate to determining whether the zoning regulation is equitable: *The applicant answered this is a pre-existing lot and has never been built on. The Board added that this lot was platted prior to the change of the zoning requiring more frontage. The zoning inspector was requested to visit the site to review drainage and follow up with the neighbors.*

Mr. Downing moved to approve Variance #500 as submitted by the applicant, seconded by Mr. Boucek. In favor; Mr. Boucek, Mr. Downing, Mr. Gokorsch, Mr. Grassi. Motion approved.

VARIANCE REQUEST #501: Requesting a variance of 35 feet for a garage addition in lieu of the 50 feet required in an R-3 Residential zoned district per Section 5.2(B).

Mr. Downing moved to open the public hearing for variance request #501, seconded by Mr. Boucek. Motion passed unanimously.

Mr. Vincent would like to add onto his existing garage. The addition will be for storage of two UTV's (utility terrain vehicle), three cars and two trailers, as well as additional space for his wife's crafting materials.

Mr. Gokorsch asked if the house is within the setback. Mr. Vincent stated it is well within the setback. He added that the garage plans presented are preliminary since he would like to see if he receives approval before having plans drawn up. The board asked if the new addition would contain second story living space. Mr. Vincent answered yes an additional 2,400 square foot of space would be added.

The board asked if there is a practical difficulty that requires the garage to be built in the location presented. Mr. Mayher stated there is a dramatic drop at the back of the house and there is a walk out basement in the rear of the home. Mr. Vincent noted on an aerial view of the property where the leach field and septic are located and stated there would be a substantial structure redesign to the house if he were to build the garage in the back, as well as obstructing the kitchen view. Mr. Gokorsch stated the property to the south is vacant and he is concerned about how close the garage would be to the home if the property owner builds in the future.

Mr. Vincent stated that he redesigned and poured a new driveway which isn't shown on the aerial view presented. He also added the new addition would have five new garage doors. The Board asked Mr. Vincent to mark up the aerial view of the property showing the new drive.

Mr. Boucek asked if Mr. Vincent considered constructing a double deep garage. Mr. Vincent stated he feels this plan is the least invasive of obstructing any views from the home and conform to the character of the neighborhood. Mr. Boucek stated he feels there are more options than what is presented.

Mr. Downing noted that there were no prints or diagrams submitted which would allow the Board to fully understand the request. Mr. Vincent stated that they wanted to "feel out" the board's position prior to investing in architectural design work.

Mr. Gokorsch asked if Mr. Vincent would be willing to modify his plan since he is requesting a substantial side lot variance. Mr. Vincent stated he would be willing to look at other options and resubmit plans to the board and asked the board to continue his hearing.

