

Minutes: Russell Township Board of Zoning Appeals  
Russell Township Hall  
February 1, 2021

Present: Mr. Steve Gokorsch, Chairman  
Mr. Dushan Boucek, Vice-Chairman  
Mr. Bill Downing  
Mr. Mark McGrievy

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

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

The legal notice was published in the Chagrin Valley Times and Geauga Maple Leaf on January 21, 2021.

The certified letters announcing the meeting were mailed Monday, January 25, 2021.

All in attendance (2) were sworn in.

**Variance Request #533:** Submitted by Mr. Dushan Boucek for property at 7880 Fairmount, parcel number 26-073700. The property is in an R-3 zoning district. The Applicant is seeking a variance from the Township Zoning to keep an existing shed located in front of his principal building. Per section 4.7(v): Accessory structures shall not be located in the front yard.

*Mr. Downing made a motion to open the public hearing for Variance #533. Mr. McGrievy seconded the motion and it passed unanimously.*

Mr. Boucek, 7880 Fairmount Road, confirmed that he was sworn in.

*Mr. Gokorsch advised the Applicant that there was a three-member board and that the variance request approval requires the majority vote of the board. He gave Mr. Boucek the chance to postpone the meeting, until there could be a full board.*

**Mr. Boucek declined to postpone his meeting.**

Mr. Boucek explained he built the 10 x 16 foot shed on his property 17 years ago and did not know he was violating the setback rules. The shed is located in a wooded area on the west side of his property. He did say, 11 years ago, the previous zoning inspector stated he was not in compliance.

Mr. Boucek stated his neighbor to the west has a horse barn in front of the property and that his shed is in line with the barn.

Mr. Downing referencing the site plan, (exhibit G), asked if the neighbor's house to the west is a corner lot? **Yes.**

Mr. Gokorsch asked if the shed was there when the house was built? **Mr. Boucek stated No. He constructed the barn after he moved in.**

Mr. Gokorsch asked if the previous zoning inspector, 11 years ago, notified you that you were not in compliance? **Yes.**

Mr. Gokorsch asked if it would be the practical difficulty to move? **Mr. Boucek stated that the west side of the property, where the shed is located now, is the best placement. The east side has a small stream and overflows during storms but Yes, he can move the shed.**

Mr. Gokorsch referencing a picture, (exhibit D), asked if there is a concrete driveway to the shed? **Mr. Boucek said Yes, there is a concrete drive to the shed but the shed is on a wood frame.**

Mr. Downing said the site plan topographical map (exhibit G). shows a creek, is that correct? **Mr. Boucek said Yes, and the creek travels east on Fairmount Road.**

Mr. McGrievy asked if the backyard is damp? **Mr. Boucek said Yes.** Are there trees on the east side of the property? **Yes.** Can those trees be removed for a shed? **Yes.**

Mr. Gokorsch asked the dimensions of the shed? **Mr. Boucek said 10 x 16 feet.** What are the dimensions of the concrete extension in front of the garage? **Mr. Boucek replied 20 x 65 feet.**

Mr. Downing asked if the horse farm to the west is active? **Mr. Boucek answered Yes.**

### **Comments from the Public**

Mr. Kent Littlejohn, 7879 Fairmount Road, acknowledged he was sworn in.

Mr. Littlejohn stated he has lived across the street from Mr. Boucek since 2000. He showed pictures he took, (exhibit A) from his driveway and (exhibit B), from his home. He stated it could take a lot of work to move a 17 year-old shed and asked if the board would let this shed age and then a future shed would follow the zoning rules.

*Mr. Gokorsch asked Mr. Littlejohn to sign and date the photos so they could be added as exhibits.*

*Mr. Downing made a motion to accept the applicants' photo (exhibit A) and (exhibit B) into the record. Mr. McGrievy seconded the motion and it passed unanimously.*

*Mr. McGrievy made the motion to close the public hearing for request Variance #533. Mr. Downing seconded the motion and it passed unanimously.*

**The Board reviewed the Duncan Factors for Variance #533:**

- 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. **No. Mr. Gokorsch said the variance is more than 10 feet however, the shed is in the front yard, contrary to the zoning.**
- 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 across the street could not see the structure.**
- 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. Applicant had no knowledge of zoning but was notified 11 years ago by the previous zoning inspector that the shed was not in compliance.**
- F) Whether the property owner's predicament feasibly can be obviated through some method other than a variance. **Yes. Other locations on the property could work.**
- G) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. **No. Zoning requirement is straight forward.**
- H) Such other criteria which relate to determining whether the zoning regulation is equitable. **Yes. A neighbor brought their concern regarding the shed to the current zoning inspector's attention. The zoning inspector confirmed this fact.**

*Mr. Downing made the motion to approve Variance #533. Mr. McGrivey seconded the motion. Upon roll call the vote was Mr. Downing - No, Mr. McGrievy - No, Mr. Gokorsch - No. The motion was denied.*

**Other Business:**

The board scheduled the yearly appeals meetings for 2021.

March 1, 2021	August 2, 2021
April 5, 2021	September 13, 2021(second Monday)
May 10, 2021 (second Monday)	October 4, 2021
June 7, 2021	November 1, 2021
July 12, 2021(second Monday)	December 6, 2021

