

Minutes: Russell Township Board of Zoning Appeals  
Russell Township Hall  
April 3, 2023

Present: Mr. Steve Gokorsch, Chairman  
Mr. Dushan Boucek, Vice-Chairman  
Mr. Mark McGrievy  
Ms. Nicole Mulloy

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

Mr. Bill Downing was absent with apologies.

The meeting was called to order at 7:05 p.m.

The Sunshine Notice was published in the Chagrin Valley Times and Geauga Maple Leaf on Thursday, March 8, 2023 to cancel the Monday, March 13, 2023 meeting. The Legal Notice was published in the Chagrin Valley Times and Geauga Maple Leaf on Thursday, March 23, 2023.

The Certified Letters were mailed Tuesday, March 21, 2023.

*Mr. Gokorsch made the motion to open the public meeting, Mr. Boucek seconded the motion and it passed unanimously.*

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### ***Organizational Appointments for 2023***

Ms. Mulloy made the motion to nominate Mr. Gokorsch as the Chairman, Mr. McGrievy seconded the motion and it passed unanimously.

Mr. Gokorsch made the motion to nominate Mr. Boucek as the Vice-Chairman and Mr. McGrievy seconded the motion and it passed unanimously.

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### **Variance Application #551 – Submitted by Mr. Anthony Fantozzi, 8415 Hideaway Trail.**

Parcel #26-214238. The Applicant is seeking to construct a new home. Given the layout of the property and the placement of the septic fields, the Applicant is requesting a side yard setback of 25' in lieu of the required 50', and a rear yard setback of 50' in lieu of 75'.

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

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

Five (5) in attendance were sworn in.

**Mr. Fantozzi, 13507 Caves Road, confirmed he was sworn in.**

**Mr. Fantozzi stated that the location of the house is needed because of the septic tank field placement and the overflow from the dam. There is no other space for the new house.**

Mr. Gokorsch asked if he had a survey done. **Mr. Fantozzi said Yes.** Do you have it with you? **Mr. Fantozzi said No.** Mr. Gokorsch stated that the survey is a required exhibit and will need to be provided.

Mr. McGrievy asked if it was a boundary survey. **Mr. Fantozzi said Yes. It is a survey of the West and South side of the property.** Mr. McGrievy asked if the boundary on Hideaway Trail was surveyed? **Mr. Fantozzi said no survey was done on Hideaway Trail.**

**Mr. Fantozzi stated he will try to appease the neighbors by planting trees that are initially 4 to 5 feet high, and will be planted as close to the property line as the Township will allow.**

Ms. Mulloy asked if the trees will be on the North side of the dam. **Mr. Fantozzi said No, the trees will be planted on the South side of the dam. He noted that the dam and spillway must be kept clear.**

Mr. Gokorsch asked if Geauga County Soil & Water verified the placement of the septic field? **Mr. Fantozzi said Yes, he will supply that information to the Zoning Department.**

Mr. McGrievy asked if the barn shown on the GIS is the only structure on the property? **Mr. Fantozzi said Yes, it was used to store a tractor and used as a feed barn.**

**Mr. Fantozzi stated that the house will be approximately 3,000 square feet.**

Mr. Gokorsch asked if there are any deed restrictions on the lot? **Mr. Fantozzi said No.**

Mr. Boucek asked if he is the owner of this property? **Mr. Fantozzi said Yes.**

Mr. Boucek asked how many bedrooms will be in the house. **Mr. Fantozzi said four, and the septic will be a mound system, sized for the house.**

Mr. Boucek asked what the grade of the septic system will be. **Mr. Fantozzi said the septic mound system will be 3 to 4 feet above grade and 120 to 140 feet long.**

**When questioned about lot coverage, the Zoning Inspector said there is no lot coverage issues with this house.**


Mr. Boucek asked if the garage will be separate from the house. **Mr. Fantozzi said Yes. The garage might be tied together with the house after the plans are completed.**

Mr. Gokorsch asked if maintaining of the pond/dam is on the deed? **Mr. Fantozzi stated that he is responsible for the dam.**

Mr. Boucek asked if there would be a driveway near the dam. **Mr. Fantozzi said he will be putting in a driveway, from the overflow, up to the house. After the Geauga County Soil & Water 3 year permit expires in August, he will put in another driveway from the overflow to the road. He stated he does not believe he will be allowed to pave the top of the dam.**

Mr. Boucek asked if the trees are going on the South side of the property. **Mr. Fantozzi said Yes, approximately 30 trees.**

Mr. McGrievy asked if the trees are marked by the blue X's on the site plan. **Mr. Fantozzi verified that is correct and the trees will not change the grade.**

Mr. McGrievy asked if the house will be higher than the neighbors? **Mr. Fantozzi said the pitch of the home will be towards the dam.** 

Mr. McGrievy asked where the overflow is located. **Mr. Fantozzi pointed it out on the site plan and said the overflow will flow into Bell Vernon Road.**

**Mr. Fantozzi said he will put a fire safety "Standpipe" in the pond, for Fire Department use.**

Mr. Gokorsch asked Mr. Fantozzi to verify that the side yard setback request is 25 feet? **Mr. Fantozzi said Yes.**

**The Zoning Inspector stated the side yard set back distances are Fire Department requirements.**

Mr. Boucek asked what type of trees will be planted. **Mr. Fantozzi said the trees will be Green Giant, used for screening, and grow to 20 to 35 feet tall and 8 feet wide.**

Mr. Boucek asked how they will be spaced. **Mr. Fantozzi said they will be 6 to 8 feet apart and will be staggered to grow together.** He asked if the trees will be planted on the dam? **Mr. Fantozzi said No, trees are not permitted on the dam.**

Ms. Mulloy asked if the septic system would be located in front of the house. **Mr. Fantozzi said Yes. The well will be located in the back of the house, which has to be 90 feet from the septic.** Asked if he could swap the locations of the septic and well? **Mr. Fantozzi said No.**

Mr. Boucek asked there is a septic system on the property now? **Mr. Fantozzi said No.**

Mr. Gokorsch stated that the Board of Zoning Appeals is not responsible for septic systems permitting. This is county jurisdiction.

Mr. Gokorsch asked how far the proposed unattached garage will be from the neighbors? **The Zoning Inspector stated it was approximately 100 feet.**

Mr. Boucek asked what is on the West side of the house? **Mr. Fantozzi said 200 feet of wooded land.**

Mr. Bouchek asked if he could place the house in that location. **Mr. Fantozzi said No. The area is deceptively close to 50 feet of tall trees, which they do not want to remove. He stated the corner of the house will be at the edge of the dam. He also stated that for safety reasons they do not want to be closer to the pond.**

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*Comments from the Public*

**Mr. Ed Bennardo, 8330 Belle Vernon. Confirmed he was sworn in.**

Mr. Bennardo asked if the proposed garage downspouts will flow to the pond? **Mr. Fantozzi said Yes. Mr. Bennardo said that is good to hear.**

Mr. Bennardo said the trees sound nice, but will you consider adding 2 or 3 more? **Mr. Fantozzi said trees will be planted, going North on the West property line and he will have no problem adding extra trees along the North boundary.**

Mr. Gokorsch said let the record show the addition of 5 more trees on the Site Plan (Exhibit D).

Mr. Gokorsch asked Mr. Fantozzi to sign and date the Site Plan (Exhibit D), showing the placement of the trees. He noted these trees will be a condition of the Variance.

Mr. Gokorsch noted that if the Variance is granted, and the trees are not planted, Mr. Fantozzi will be under violation of the Variance.

The Zoning Inspector will inspect, following landscaping.

**Mr. Fantozzi said he will add the trees after construction is finished.**

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**Mr. Andrew Zup, 8360 Belle Vernon Drive. Confirmed he was sworn in.**

Mr. Zup asked where the electricity would be coming from. **Mr. Fantozzi said the electricity will be coming from the South of the access drive, by Ohio Edison, and there is already power available.**

Mr. Zup asked where is the placement of the gas line? **Mr. Fantozzi said the gas line will be underground on the North side of the access drive. Mr. Fantozzi stated he plans to lower the pond depth by 6 inches, with State approval.**

Mr. Bouchek asked if there would be consistent drainage in that area. **Mr. Fantozzi said drainage will be good, and there will be an overflow.**

Mr. Zup is concerned about the large roots of the older trees on his property that might be disturbed and fall during construction. **Mr. Fantozzi stated that construction will stop before the overflow area and should not disturb these trees.**

Mr. Andrew Zup asked if Mr. Fantozzi will clean up the older trees that might fall on his property during the new tree planting? **Mr. Fantozzi said Yes, he will clean up any old trees that happen to fall during the new tree planting.**

Mr. Gokorsch asked whose property the older trees are on. **Mr. Fantozzi stated the survey showed there are a few older trees on Mr. Zup's property and a few older trees on his.**

**Mr. Fantozzi said the older trees will be 29 feet from construction and are 30 feet from the existing barn.**

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**Ms. Nanette Ronis, 13617 Fox Den, East. Confirmed she was sworn in.**

**Ms. Ronis stated that her neighbor, Sarah Wiselely, 13645 Fox Den, East, who could not attend the meeting, wrote a letter.**

Mr. Gokorsch stated that the board will be glad to listen to the letter, but the letter cannot be admitted as evidence in the proceedings, unless she has Power of Attorney. Ms. Ronis stated she did not have Power of Attorney and proceeded to read the letter.

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**Mr. Robert Marano, 8380 Belle Vernon Drive. Confirmed he was sworn in.**

Mr. Marano asked where the well will be placed. **Mr. Fantozzi said at the back of the house.**

Mr. Marano asked where the septic would be placed. **Mr. Fantozzi said the septic will be in the front of the house. It is a mounded system.**

Mr. Marano asked what style of house will it be? **Mr. Fantozzi said a colonial style house.**

Mr. Marano asked what will be used for the construction of the driveway? **Mr. Fantozzi said, if the State allows, a concrete driveway will be constructed over the overflow to the house. The East side of the dam will not be disturbed.**

Ms. Mulloy asked if the well, septic and driveway placements were all approved. **Mr. Fantozzi stated that all these placements were approved by the Ohio Department of Natural Resources (ODNR).**

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**Mr. Ken Johnson, 8410 Belle Vernon Drive. Confirmed he was sworn in.**

Mr. Johnson asked about the overflow pad, will it be open after construction? **Mr. Fantozzi said there will be a new steel pipe installed.**

**Mr. Johnson said that Mr. Fantozzi is doing a great job keeping the overflow pipe clean and thanked him for helping him out with his basement flooding and keeping the pond clean.**

Mr. Gokorsch noting, he also has a dam and spillway and appreciates that the spillway has been kept clean.

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Mr. Boucheck asked Mr. Fantozzi to modify, sign and date the site plan (Exhibit D), showing the location where the potential house will be built.

Exhibit D (home location)

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

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Mr. Boucheck made a motion to close the public hearing for variance request #551. Ms. Mulloy seconded the motion and it passed unanimously.

***The Board reviewed the Duncan Factors for Variance #551:***

- 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. Without a Variance this house could not be built. The site plan shows that a major portion of the lot is under water.**
- B) Whether the variance is substantial: **Yes. This is a 50% sideyard set back and 33% reduction in the rear set back.**
- 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 house will be beneficial to the neighborhood and similar to other houses in the area.**
- 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, as noted in the variance request.**
- F) Whether the property owners' predicament feasibly can be obviated through some method other than a variance: **Yes. Given the small buildable area of this lot and the size of the septic field, a variance is needed.** *NO, 4/3*
- 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.**
- 1) **The old barn which is located 16 feet from the South lot line will be removed. The new South set back will be 20 feet. (smaller variance)** *West side*
  - 2) **Trees will be planted along the South and East to shield neighbors from view.**
  - 3) **The spillway will be upgraded and maintained.**

*Mr. Boucek made the motion to approve Variance #551, with Conditions, Ms. Mulloy seconded the motion. Upon roll call, the vote was, Mr. Mc.Grievy – yes, Ms. Mulloy – yes, Mr. Boucek – yes, Mr. Gokorsch – yes. The motion was approved.*

**Conditions of Permit Approval: Submittals**

- Exhibit A (boundary Survey)
- Exhibit B (septic System Documents)
- Exhibit C (copy of deed restrictions)

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***Zoning Commission Board Member: Mr. Barry Rogers***

Mr. Rogers, Zoning Commissioner, addressed the Board regarding Section 9: The Board of Zoning Appeals, of the Resolution Book, for comments/concerns/additions that could be addressed in the updating of the book.

The Board said Section 2: Definitions updates will be helpful with clarification for Variance requests. They will look over the definitions they will use most often.

**Board Concerns:**

- Corner lot - auxiliary buildings
- Illustrations for the guidelines
- Lighting pollution
- Noise pollution
- Right of Way setback measurements
- Consolidating lots
- Fencing requirements
- Driveway widths – minimum/maximum

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***Minutes***

*Mr. Gokorsch made the motion to accept the minutes, as amended, from the December 5, 2022, meeting. Mr. Boucek seconded the motion and it passed unanimously.*

*There being no other business, Mr. McGrievy made a motion to adjourn. Ms. Mulloy seconded, and the meeting adjourned at 8:41 p.m.*

Mrs. Cathleen Birli 5/8/23  
Mrs. Cathleen Birli Date  
Zoning Secretary

Steve Gokorsch 5/8/23  
Mr. Steve Gokorsch Date  
Chairman