

Minutes: Russell Township Board of Zoning Appeals
Russell Township Hall
November 14, 2022

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

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 Thursday, November 3, 2022.

Certified Letters were mailed to nearby homeowners on Tuesday, November 1, 2022.

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

(3) neighbors in attendance were sworn in.

Variance Application #550 – Submitted by Mr. John Hollister, 15775 North Ridge Drive – Parcel #26-213937. The Applicant is seeking to construct an accessory structure within the required rear yard setback. The Applicant is in a R3 district thus requiring a 75’ rear yard setback, due to topography issues, the applicant is requesting a reduction from 75’ to 25’ rear yard setback, requiring a 50’ variance. See 5.2(B) – 75’ required rear yard setback.

Mr. Gokorsch stated this is an Area Variance.

Mr. Hollister stated they have a backyard full of tractors, boat, lawn mowers, tillers, power washer, bird feeders, etc. They would like to build a tool shed to get rid of all the clutter outside and all the items would not fit into their three car garage.

They live at the end of a cull-d-sac and unlike the other properties on his drive, his home is shoe-horned into the corner property.

Mr. Hollister referenced Exhibit “A”, showing Harmony Falls Creek, the 2/3rds of his lot which is not buildable, because of the creek and a natural gas pipeline on the right of way.

Mr. Hollister said he has only one viable area to place the shed, on the rear East side his property.

He stated the tool shed will not be seen from the road and his HOA gave their approval, He included the HOA approval letter with his application.

Mr. Gokorsch asked if the shed will be visible from the road? **Mr. Hollister said No. His property elevation goes up a hill. The shed is 12 ½ feet high, so you should see only the roof of his home.**

Mr. Gokorsch asked if there are other sheds/accessory structures on other properties? **The zoning inspector said he did not see any sheds/accessory structures on other properties, but GIS has not been updated since 2017.**

Mr. Gokorsch asked if the shed will fit into the neighborhood architecture? **The zoning inspector said if the shed is out of site, from the road, you will not see the structure.**

Mr. McGrievy asked if the neighbor has a detached garage? **Mr. Hollister said Yes.** In front of the home? **Mr. Hollister said No.**

The zoning inspector said Mr. Hollister has restrictions due to the underground utilities and a gas line easement on the Harmony Falls Road side of his lot.

Mr. Gokorsch asked if the color/style will be similar to his home? **Mr. Hollister said Yes, identical to his home, with one or two windows.** Will it have electric power? **Not at first but we plan to add power for battery charges and lighting.**

Ms. Mulloy asked if the gas easement is underground? **Mr. Hollister said Yes, it is not visible and goes under Harmony Creek.**

Mr. McGrievy referenced an ariel drawing showing the drive to the East of the property having a turnaround. **Mr. Hollister said correct, this is a 1991 drawing.**

Mr. Gokorsch verified that the driveway is a turnaround? **Mr. Hollister said Yes, a circle drive with a gazebo in the middle.**

Mr. Downing asked if the driveway was under trees? **Mr. Hollister said Yes.**

Mr. McGrievy asked if there were woods on his property? **Mr. Hollister said Yes, you can only see the top of his home, because of the woods**

Mr. Gokorsch asked Mr. Hollister to verify that the shed will not be seen from the road. **Mr. Hollister said No, you will not be able to see the shed from the road.**

Mr. Boucek asked what is the elevation of his property? **Mr. Hollister did not know.**

Mr. McGrievy stated there was a 10 foot rise between the road and his home. The highest point of North Ridge Drive and Harmony Falls development is on the East side of Mr. Hollister's property.

Mr. Hollister said the shed will be slightly higher than his home.

Mr. Gokorsch asked how far is his home to the ravine? **Mr. Hollister said about 30 feet.**

Ms. Mulloy asked if Mr. Hollister asked his neighbors' opinions about the shed? **Mr. Hollister said No.**

Mr. Downing would like verification from Mr. Hollister's HOA that if the BZA approves this variance request they will also approve. **Mr. Hollister said Yes, that is why he is applying for the variance.**

Mr. Gokorsch asked if it was possible to get clarification from the HOA? **Mr. Hollister said Yes. The zoning inspector will follow-up.**

Mr. Boucek asked to verify the side setback? **The zoning inspector said the requirement is 50 feet.**

Mrs. Hollister stated that if there was another place to put the shed, they would. They have the oldest house on North Ridge Drive and have a challenging topography with a deep and treacherous ravine. They do not want to clear cut their oak/maple/birch forest, to protect their canopy. They will add more pine trees and foliage around the shed, we do not want to look at Harmony Falls lights either. The shed will not bother the neighbors with proper landscaping.

Mr. Hollister also stated that they have 10 pine trees already bordering Harmony Falls and will plant more.

Mr. Gokorsch asked if they would plant more trees around the shed? **Mr. Hollister said Yes, and they already have.**

Mr. Bouчек stated approval of Variance #550 should have 3 conditions:

- 1) HOA approves any actions from the Board of Zoning Appeals
- 2) No lighting attached to the shed
- 3) Planting more pine trees to shield shed from Harmony Falls.

Comments from the Public:

Mr. Robert Wilson, 15750 Harmony Falls Lane, confirmed he was sworn in.

I live on Harmony Falls Lane, at the end of the cull-d-sac. He is aware of Mr. Hollister's property but when the leaves come down you can see his home and all the lights.

He had a drawing showing where he lives and the light pollution this will cause. He has many windows with no curtains.

He has another neighbor with a pool with lights and another neighbor with lights on all the time, we do not need another source of light pollution.

He stated that the lights from his structure would not be seen from North Ridge Drive, where Mr. Hollister lives, but Harmony Falls Lane, where my home is.

He said the 60' underground gas line draws walking, dog walking, cross country skier's, snowmobiles, etc. He put no trespassing signs up, which do not work.

He is concerned about Mr. Hollister's structure on the gas line easement. Mr. Hollister bought this property knowing the zoning regulations. He wonders if there are other areas he can build.

Mr. McGrievy asked Mr. Wilson if he knew the estimated distance the structure will be to his home? **Mr. Wilson said 300' – 400'. The zoning inspector concurred.**

Mr. Gokorsch addressed Mr. Wilson's lighting concern and asked Mr. Hollister if he would be willing to not put lighting on the outside of the structure? **Mr. Hollister said he will not put lighting on the structure.**

Mr. Gokorsch asked Mr. Hollister to sign and date the gas right of way & Harmon Falls Creek (Exhibit A), noting the distances of the structure from the 50' side setback, and the 25' rear setback, (Exhibit B), so they can be included as exhibits.

Exhibit A (gas right of way & Harmony Falls Creek)

Exhibit B (showing structure from the side setback, 50', and rear setback, 25')

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

Mr. Boucek made a motion to close the public hearing for the variance request #550. Mr. Downing seconded the motion and it passed unanimously.

The board reviewed the Duncan Factors for Variance #550:

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: There will be a beneficial use of the property without the variance.**

B) Whether the variance is substantial: **Yes: 66.66% is a substantial real lot variance.**

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 structure will align with the character of the neighborhood.**

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

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: This lot has topographic difficulties which require a variance**

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:

The Board stipulates there will be 3 conditions:

1) No lighting on the outside of the shed.

2) Planting pine trees around the shed to shield it from the neighbors

3) Approval of the shed location from the HOA in writing.

Mr. Boucek made the motion to approve Variance #550, as amended. Mr. Downing seconded the motion. Upon roll call, the vote was, Mr. Downing – yes, Mr. Mc.Grievy – yes, Ms. Mulloy – yes, Mr. Boucek – no, Mr. Gokorsch – yes. The motion was approved four to one.

