

Minutes: Russell Township Board of Zoning Appeals  
Russell Township Hall  
January 3, 2022

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. Melissa Palmer, Trustee's Board Administrator

The public 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, December 23, 2021.

The Certified Letters were mailed Tuesday, December 21, 2021.

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

All in attendance were sworn in.

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**Variance Application #544** - Submitted by Carmel Landscapers LLC, 15159 Russell Road, Parcel # 26-193300, for Mr. Jeffrey Rumplick (owner). The applicant is seeking to expand an existing patio into the side yard setback (two front yards) and with that, construct a fireplace, outdoor kitchen and pavilion/pergola. Since this property is a corner lot, there are two front yards with required setbacks of 125'. The existing Runnymede Trail side of the property only sits back 100'. With the addition of the accessory structures, the setback will be reduced to 88'. This would require a variance of 37'. This property is heavily screened down the whole side of Runnymede Trail and visibility onto the property is very poor at best. Having over ten (10) acres, lot coverage is not an issue, (6.44%).

4.8(B) Patio and other surfaces constructed are subject to the same yard and setback regulations.

5.2(B) R-5 Zone: Front depth setback = 125'

**Mr. Jim Mudri, 15358 Kinsman Road, Middlefield, OH 44062, confirmed that he was sworn in. Mr. Mudri stated he attended on behalf of the owner, Mr. Jeffrey Rumplick. Mr. Mudri stated he understood that there were four Board of Zoning Appeals members present and he offered to go forward with the hearing.**

Mr. Gokorsch noted that this variance application is for an area variance.

Mr. Gokorsch explained the concept of 'practical difficulty' to Mr. Mudri. In this application, the

practical difficulty is the corner lot having two front yards.

Mr. Wrench stated the existing wall on Runnymede Trail side is 100' from the right-of-way. With the proposed addition, the new setback will be reduced to 88' from the right-of-way of Runnymede Trail.

**Mr. Mudri referenced the aerial photograph of the property in the township's file. Mr. Mudri stated there is no house on the Runnymede Trail side. The closest house across the street is 125'. The trees are all evergreen all the way down Runnymede Trail. The foliage is 40' thick. The house cannot be seen from Runnymede Trail.**

**Mr. Mudri referenced Exhibit A showing the Photo facing rear of white house showing wooded area.**

Mr. Boucek asked why this location was chosen. **Mr. Mudri stated there is a 6' drop in grade on the south side. There is septic and water on the east side.** The topography was discussed.

Mr. Boucek asked if any other work was being done on the house. **Mr. Mudri said No.**

Mr. Boucek asked if the addition was in a Japanese style. **Mr. Mudri stated the addition was not Japanese in style, but a pergola & A-frame addition, Amish built.**

Mr. Boucek asked for clarification on where the setback was to: 100' from the road or 100' from the right-of-way? **Mr. Mudri answered 100' from 20' from the berm.**

Action Item: Mr. Wrench will verify the distances and update the Board.

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***No Comments from the Public***

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*Mr. Gokorsch asked Mr. Mudri to sign and date the picture and Power of Attorney, so they can be included as exhibits.*

Exhibit A (Picture facing rear of white house showing wooded area)  
Exhibit 1 (Power of Attorney)

*Mr. Downing made the motion to accept the applicants' Photo facing rear of house showing wooded area (Exhibit A) and Power of Attorney (Exhibit 1) into the record. Mr. Boucek seconded the motion and it passed unanimously.*

*Mr. McGrievy made a motion to close the public hearing for the variance request #544. Mr. Boucek seconded the motion and it passed unanimously.*

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**The board reviewed the Duncan Factors for Variance #544:**

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. The property could be used without the variance.**

B) Whether the variance is substantial:  
**Yes. Approximately 30%.**

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. Exhibit A indicates heavily wooded area.**

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

E) Whether the property owner purchased the property with the knowledge of the zoning restriction:  
Unknown: **Not answered in application.**

F) Whether the property owners' predicament feasibly can be obviated through some method other than a variance:  
**No. Topographic issues on one side to west. Septic & water to east. Corner lot.**

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:  
**Noted topography, corner lot, & 10 acre lot.**

*Mr. Downing made the motion to approve Variance #544 as requested by the applicant. Mr. Boucek seconded the motion. Upon roll call the vote was Mr. Downing - yes, Mr. McGrievy - yes, Mr. Boucek - yes, Mr. Gokorsch - yes. The motion was approved unanimously.*

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***Organizational Meeting:***

**Chairman:**

Mr. Downing called for nominations for Chairman:

Mr. Downing nominated Mr. Gokorsch to be the Chairman. Mr. McGrievy seconded the nomination. The motion passed unanimously.

**Vice-Chairman:**

Mr. Downing called for nominations for Vice-Chairman:

Mr. Downing nominated Mr. Boucek to be the Vice-Chairman. Mr. McGrievy seconded the nomination. The motion passed unanimously.

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**Minutes:**

Mr. Downing made the motion to accept the minutes from the December 6, 2021 meeting as amended. Mr. Boucek seconded the motion and it passed unanimously.

**Findings of Facts:**

Mr. Downing made the motion to accept the Findings of Fact for Variance #543 from the December 6, 2021 meeting. Mr. McGrievy seconded the motion and it passed unanimously.

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**2022 Meeting Schedule:**

Mr. Downing made the motion to accept the Meeting Schedule for 2022. Mr. McGrievy seconded the motion and it passed unanimously.

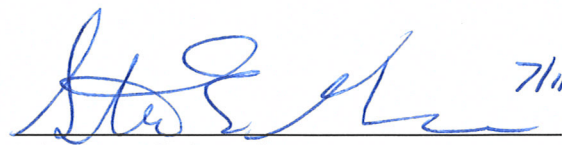
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There will not be a BZA meeting in February, as there will not be a quorum available.

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There being no other business, Mr. McGrievy made a motion to adjourn. Mr. Downing seconded and the meeting adjourned at 7:45 p.m.

Zoning Secretary  
Mrs. Cathleen Bule 7/11/22  
~~Mrs. Melissa Palmer~~ Date  
~~Trustee's Board Administrator~~  
Zoning Secretary

 7/11/22  
Mr. Steve Gokorsch Date  
Chairman