

Minutes: Russell Township Board of Zoning Appeals
Russell Township Hall
March 7, 2022

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

Mr. Steve Gokorsch was absent with apologies.

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, February 24, 2022.

The Certified Letters were mailed Tuesday, February 22, 2022.

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

Ms. Nicole Mulloy was introduced as the new board member.

All in attendance (5) were sworn in.

Variance Application #545 – Submitted by Mr. Steve DiFranco and Mr. Kevin Ruscher, 13572 Chillicothe Road, in an R-3 zone, Parcel #26-095500. The Applicants are seeking a non-conforming use in a R-3 zone, specifically to allow general office operations on the second floor, in place of the currently approved residential use.

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

Mr. Boucek asked the zoning inspector if there were past permits pertaining to this issue. **The zoning inspector presented records of past proceedings and several variances. In 1985 there was a variance for an antique retail store use. In 1991 there was a variance for an antique retail store use downstairs and a residential use upstairs.**

The zoning inspector also stated that the property is located in an R3, residential area, and since the antique retail store has not been used in that capacity for two years, it reverts back to residential zoning.

Mr. Steve DiFranco, 15251 Hemlock Point, confirmed that he was sworn in.

Mr. Boucek asked what the basement and first floor were used for? **Mr. DiFranco stated the basement is used for storage only and the first floor is used for offices.**

Mr. Boucek asked how many offices are there on the first floor? **Mr. DiFranco said there are currently three separate offices on the first floor.**

Mr. McGrievy asked if the upstairs currently is being used residentially? **Mr. DiFranco said Yes. A mother and daughter live there.**

Mr. Downing asked what the upstairs variance will be used for? **Mr. DiFranco said there will be 2 separate offices.**

Mr. Downing asked how many bathrooms upstairs? **Mr. DiFranco said one.**

Kevin Ruscher, 14073 Hook Hollow, confirmed he was sworn in.

Mr. Kevin Ruser stated that in the long term they might need more space upstairs for his insurance business.

Mr. Downing asked about potential traffic issues? **Mr. Kevin Ruscher said the traffic will be low. Customers primarily use zoon or phone because his type of business is insurance. He probably sees two customers per week.**

Mr. DiFranco stated he does not see customers in person.

Mr. Downing asked if they sell any goods? **Mr. Ruscher and Mr. DiFranco both said No.**

Mr. Boucek asked how many employees will they both have? **Mr. Ruscher stated his insurance business will have two people, including himself. Mr. DiFranco stated his IT business will also have two people, including himself.**

Mr. Boucek asked if there will be a total of four employees in any given day? **Mr. Kevin Ruscher said Yes.**

Mr. Boucek asked if the mother and daughter living upstairs have a car? **Mr. Kevin Ruscher said Yes.**

Mr. McGrievy asked how many parking spaces there were? **Mr. DiFranco said eight.**

Mr. Boucek asked if the spaces were striped? **Mr. DiFranco said No.**

Mr. Boucek asked the zoning inspector if there was a site plan exhibit? **The zoning inspector said No. The only change is adding two more people, with no traffic, with minor general offices.**

Mr. Boucek asked if there was going to have parking on the North and South side of the building? **Mr. DiFranco said Yes. Five along the North side, four up against the building facing Chillicothe Road, and one space on the South side. They would like to have ten spaces total.**

Mr. Boucek asked if eight spaces are needed for sure? **Mr. DiFranco said Yes. But we have ten spaces.**

Mr. Boucek stated that the eight spaces should be on the North side.

Mr. Downing asked about signage? **Mr. DiFranco stated there will be no signage change at this time. He will contact the zoning inspector for compliance in the future. They do have an awning, over the door, they might improve in the future also.**

Mr. Downing asked if there will be four businesses located in the building? **Mr. DiFranco said No. Three businesses total.**

Mr. Downing asked where these three businesses will be located in the building? **Mr. DiFranco said three offices on the first floor and Mr. DiFranco and Mr. Kevin Ruscher's offices on the second floor.**

Mr. Downing said but only three businesses? **Mr. DiFranco said Yes.**

Mr. Downing asked if they will be low profile businesses? **Mr. DiFranco said Yes. Low Traffic? Mr. DiFranco said Yes.**

Mr. Boucek asked Mr. DiFranco to verify the office spaces. **Mr. DiFranco changed the Variance Use to two offices downstairs and two offices upstairs.**

Mr. Boucek asked if the residential use is going away? **Mr. Ruscher said Yes.**

Mr. Boucek verified there cannot be both residential and business uses, which creates uncertainty. Either you keep the existing residential or a get this pending Variance for a business use.

Mr. Downing asked the zoning inspector if the building is considered a Historical Building? **The zoning inspector said No.**

Mr. Eugene Ruscher, 12286 Chillicothe Road, confirmed that he was sworn in.

Mr. Eugene Ruscher stated the building was built in 1933. The historical society said it was not old enough for historical status.

Mr. Boucek asked if the current residential use is single family use? **Mr. Kevin Ruscher said Yes.**

Mr. Downing asked what the fourth office is going to be used for? **Mr. Kenvin Ruscher said nothing, but could be a revenue stream in the future.**

Mr. Boucek verified that there will only be no more than six employee parking spaces and two spaces for visitors, eight total? **Mr. Kevin Ruscher said Yes.**

Mr. Boucek stated there will be no parking facing Chillicothe Road. How can you keep cars from parking there? **Mr. DiFranco said he will add landscaping.**

Mr. Bouchek asked if they will be putting striping down for the parking spaces? **Mr. Kevin Ruscher said Yes.**

Mr. McGrievy stated they will need to amend the Variance Application for the two offices downstairs and two offices upstairs. **Mr. Kevin Ruscher said Yes. We would like to change the Variance wording.**

Mr. Bouchek stated that you will need to notify the zoning inspector of any changes to the second floor from the original two offices for this variance? **Mr. Kevin Ruscher said Yes.**

Mr. Bouchek asked where the main parking will be? **Mr. Kevin Ruscher said the North side of the building. Parking will be available up against the building and facing North.**

Mr. Bouchek asked if the property line is 64 feet? **Mr. Steve DiFranco said Yes.**

Mr. Downing stated that there should be a 15 foot buffer around the perimeter of the property. **Mr. Kevin Ruscher said the parking is over the property line on the South side.**

Comments from the Public:

Mr. Gerald Dissauer, 13555 Chillicothe Road, confirmed that he was sworn in.

Mr. Dissauer, who lives across the street from the building, read a letter he and his wife, Marilyn, had written to the board stating they have no objections to allow “general office operations on the second floor” while maintain the residential character of the neighborhood. They do expect that the provision of the Russell Township Zoning Resolution for that residential area be enforced. They also expect the parking and service and storage be screened with fencing and or landscaping.

Mr. Dissauer said they do not have any objections as long as they meet zoning regulations.

Mr. Dissauer stated that the building is located on two parcels.

Mr. Kevin Ruscher said Yes. Parcel one is .4 acres and parcel two is .12 acres. One parcel goes through the building. The second parcel encroaches on the neighbor’s property on the South side.

Mr. Dissauer asked why there is a trailer parked in the parking lot of the building? Mr. Kevin Ruscher said that will not be staying there.

Mr. McGrievy asked how they were planning on screening the front parking? **Mr. Kevin Ruscher said they removed a fence that was there because of visibility concerns. They thought it was a safety issue. They will use landscaping.**

Mr. Eugene Ruscher said the original parking was on the North side of the building.

Mr. Dissauer asked if they could put the parking behind the building? **Mr. Kevin Ruscher said No. The septic is behind the building.**

Mr. Boucek asked Mr. Gerald Dissauer, across the street neighbor, to sign and date the letter, so it can be included as an exhibit.

Exhibit 1 (Letter concerning the variance request)

Mr. Downing made the motion to accept the letter, from the neighbor, Mr. Gissaueri, (Exhibit 1) into the record. Mr. Boucek seconded the motion and it passed unanimously.

Comments from the Public:

Mr. Kevin Pye, 13590 Chillicothe Road, confirmed he was sworn in.

Mr. Pye who lives next to the building, on the South side and has one parking space on his property.

The zoning inspector stated that the two lots, moving forward, should be consolidated to be more in conformance. The Planning Commission will help with consolidation.

Mr. Boucek stated that landscaping needs to be 20 feet away from the road. **Mr. Kevin Ruscher said Yes. They will comply with the guidelines.**

Mr. Boucek asked if the basement storage will stay storage? **Mr. Kevin Ruscher said Yes.**

Mr. Downing asked if there will be any new pavement for parking. **Mr. Kevin Ruscher said No.**

Mr. Boucek wanted to verify there will be only four businesses? **Mr. Kevin Ruscher said Yes.**

Mr. McGrievy asked about signage? **Mr. Kevin Ruscher they will contact the zoning inspector for sign regulations.**

Mr. Boucek explained that a zoning permit will be necessary. **Mr. Kevin Ruscher said Yes. He will contact zoning.**

Ms. Mulloy asked if there will be any other changes to the building? **Mr. Kevin Ruscher said Yes. Removing the existing awning facing Chillicothe Road and adding lighting. He will come back to zoning for approval.**

Mr. McGrievy made a motion to close the public hearing for the variance request #545. Mr. Downing seconded the motion and it passed unanimously.

Mr. Boucek made the motion to approve Variance #545, with conditions. Mr. McGrievy seconded the motion. Upon roll call the vote was Mr. Downing - yes, Mr. McGrievy - yes, Mr. Boucek - yes, Ms. Mulloy – yes. The motion was approved unanimously.

Conditions that are not meant or changed will nullify the variance.

Conditions:

1. No more than four businesses in the building at any given time.
2. Basement will only be used for storage.
3. Only eight to ten parking spaces.
4. No expansion to the paved area.
5. No more than six employees at any given time.
6. Provide screening using landscaping in the front of the building, facing Chillicothe Road.
7. No parking facing Chillicothe Road.
8. Consolidate the two properties.
9. Any signage modification needs to be approved by the zoning department.

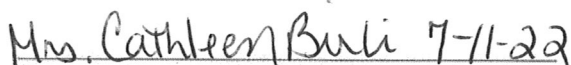
Minutes:


Mr. McGrievy made the motion to accept the minutes, amended, for Variance #544 from the January 3, 2022 meeting. Mr. Boucek seconded the motion and it passed unanimously.

Findings of Facts:

Mr. McGrievy made the motion to accept the Findings of Fact, amended, for Variance #544 from the January 3, 2022 meeting. Mr. Boucek seconded the motion and it passed unanimously.

There being no other business, Mr. Downing made a motion to adjourn. Mr. Boucek seconded and the meeting adjourned at 8:28 p.m.


Mrs. Cathleen Birli Date
Zoning Secretary


Mr. Dushan Boucek Date
Vice-Chairman