

Minutes: Russell Township Board of Zoning Appeals  
Russell Township Hall  
July 10, 2023

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

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, June 29, 2023.

The Certified Letters were mailed to all required residents, Tuesday, June 27, 2023.

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

Four (4) in attendance were sworn in plus One (1) attendee, arriving at 7:10 p.m., was sworn in.

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**Variance #552:** Submitted by Pantuso Architecture for Anna and Andrew Quigg. The property is located at 7175 Cardinal Lane. Parcel #28-012432. The Applicant is seeking to obtain a variance to construct an attached Garage/Addition within the side yard setback. The proposed project would encroach into the 50' side yard, leaving the side yard setback at 38'.6". This would require a variance of 11'.6". Zoning Resolution 5.2(B) in a R5 Zone: Side yard setback requires 50'.

**Rebecca, Pantuso Architects, 30 South Franklin Street, Chagrin Falls, representing 7175 Cardinal Lane, confirmed she was sworn in.**

**Rebecca asked the board to grant the side yard variance needed to build a one car garage/addition to the home. The home is situated on 5.7 acres of land, with the septic in front of the home. The septic needs to be in front of the home due to the back yard topography.**

**Rebecca stated that the neighbors on Cardinal Lane along with the HOA are in favor of the variance.**

**The existing home is 7,730 square feet with a two car attached garage. The homeowners would like to add a single car garage, with a mud room, attached to the existing garage. They have three growing children and will need this new garage for future cars.**

**Total there is 2,200 square feet of concrete, 600 square feet of will be removed from the driveway when it is shifted to the side, leaving a total of 1,600 square feet of concrete.**

Mr. McGrievy verified that the septic is in front of the home. **Rebecca said correct. The septic is in the front, on the opposite side of the home, from the proposed addition, due to the topography in the back of the home.**

Mr. Boucek verified that, Rebecca. from Pantuso Architects is the Architect for the homeowner. **Rebecca stated Yes.**

Mr. Boucek asked the Zoning Inspector the square footage of the proposed garage/addition. **The Zoning Inspector stated 700 square feet.**

Mr. Boucek asked if the garage will be a one car? **Rebecca stated correct.** Is there going to be a large mud room behind the new garage? **Rebecca verified the location of the garage and mud room on the exhibits.**

Mr. Boucek asked if the garage can be a side entry, so as to require a smaller variance? **Rebecca stated the grade slopes down into a hilly area on that side.**

*Comments from the Public*

**Ms. Pamela Bloch-Flynn, 710 Cory Lane, arrived at 7:10 p.m. was sworn in and confirmed she was sworn in.**

**Ms. Bloch-Flynn stated that she just returned home Saturday, June 12, 2023, and read the certified letter. She stated that she needed more time to explore the variance. She would like to know the impact of the variance on her property?**

Mr. Gokorsch asked the Zoning Secretary when the certified letters were mailed. **The Zoning Secretary stated the certified letters were mailed, Tuesday, June 27, 2023.**

Mr. Gokorsch stated to Ms. Bloch-Flynn that this variance is an area variance. The Board uses the Duncan Factors to make sure the variance does not impact neighbors. He asked Ms. Bloch-Flynn if that helps her understand. **Ms. Bloch-Flynn said Yes.**

**Ms. Bloch-Flynn asked how is the variance approved?** Mr. Gokorsch stated it is a two step system. 1) The five (5) member board, a majority, is needed to approve the variance. 2) There is a thirty (30) day appeal process via the Geauga County Court of Appeals.

Ms. Bloch-Flynn asked if the variance was going to encroach on her property? **The Zoning Inspector said No. Rebecca, Pantuso Architect, agreed and verified on Exhibit A that Coy Lane is not shown.**

Ms. Bloch-Flynn said that is all she needed to know and thanked the board and Rebecca, Pantuso Architect.

Mr. Gokorsch asked Rebecca, Pantuso Architect, to sign and date the site plan (Exhibit A) and topography (Exhibit B).

Exhibit A (Site Plan)  
Exhibit B (Topography)

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

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*Mr. Boucek made a motion to close the public hearing for variance request #552. Ms. Mulloy seconded the motion and it passed unanimously.*

**The Board reviewed the Duncan Factors for Variance #552**

- 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. Less than 25%.**
- 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. 250 feet of dense forest screen the neighbors. Plans show the garage/addition will be an asset to the neighborhood, per the HOA.**
- 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. The Applicant indicated no on application.**
- F) Whether the property owners' predicament feasibly can be obviated through some method other than a variance: **No. Topography is hilly to the West and South, septic field is to the North.**
- 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: **600 of the 2200 square feet of concrete will be removed from the driveway, leaving 1600 square feet. This will leave less impervious surface area with the garage/addition.**

Mr. Boucek made the motion to approve variance #552, Mr. Downing seconded the motion. Upon roll call, the vote was, Ms. Mulloy – yes, Mr. McGrievy – yes, Mr. Downing – yes, Mr. Boucek – Yes, Mr. Gokorsch – Yes. The motion was approved.

**LAUREL SCHOOL CONDITIONAL USE #380  
2022 - Annual Review of Environmental Management Plan**

**Ms. Kathleen Jankowski, Mr. Brian Rafferty and Ms. Mary Ann Pellerano were present to answer any questions that the Board of Zoning Appeals had concerning the Environmental Management Plan for Laurel School.**

Mr. Gokorsch noted from the Chagrin River Watershed Partners Review Update, there was an increase of TSS (total suspended solids) and TKN (total kjeldahl nitrogen) levels in Pond 1. **Ms. Jankowski said that the Northwest corner is higher in TSS and the water is not quite clear and is higher than normal. Ms. Jankowski stated the TKN is the highest it has been in twenty years, which the Chagrin River Watershed Partners stated could be from new construction on the main school building, North of Russell, in Chesterland. Ms. Jankowski said there has also been repair on the spillway using clay, which was brought in, that could have brought the numbers higher.**

**Ms. Jankowski said they will be testing and monitoring frequently.**

Mr. Rogers said they have been quite thorough with the student led Forest Resilience Project, which is involving the children to contribute towards environmental goals. **Ms. Jankowski thanked the board for recognizing all they do.**

*Mr. Gokorsch made the motion to approve Laurel School's Conditional Use #380 - 2022 Annual Review of their Environmental Management Plan, Mr. Downing seconded the motion and it passed unanimously.*

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***Minutes***

*Mr. Gokorsch made the motion to accept the minutes from the May 8, 2023, meeting, Mr. Boucek seconded the motion and it passed unanimously.*

*Mr. Gokorsch made the motion to accept the minutes/transcript from the Joint Meeting, April 22, 2023, meeting, Mr. Boucek seconded the motion and it passed unanimously.*

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**Other Business**

***Resolution Book Updating***

The board will review all edits at the next scheduled meeting, Monday, August 14, 2023.

***Meeting Time Change***

The board agreed to keep the time of meetings at 7:00 p.m.

