

Minutes: Russell Township Board of Zoning Appeals
Russell Township Hall
November 9, 2020

Present: Mr. Steve Gokorsch, Chairman
Mr. Dushan Boucek, Vice-Chairman
Mr. Mark McGrievy
Mr. Chuck Johns
Mr. Bill Downing

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

The meeting was called to order at 7:00 p.m. All in attendance (4 people) were sworn in.

The legal notice was published in the Chagrin Valley Times and Geauga Maple Leaf on October 29, 2020 and November 2, 2020.

The certified letters announcing the meeting were mailed Monday, November 2, 2020.

Variance Request #531: Submitted by Lindsey & William Phillips, Parcel Number 28-001980, 7644 Blackford Drive. This property is located within the R-3 Zoning District. Applicant is requesting a Variance for relief to the Zoning Resolution front yard setback for the purpose of installing an addition/garage. The applicant is seeking a proposed setback of 20.5 feet in lieu of the 35 feet requirement, per section 5.2(b) of the Resolution. The Variance sought would be for 14.5 feet vs the required 35feet

Mr. Boucek made a motion to open the public hearing for Variance #531. Mr. Downing seconded the motion and it passed unanimously.

Ms. Phillips, 7644 Blackford Drive, confirmed that she was sworn in.

Ms. Phillips asked if the board wanted her to put her architects on speaker phone, they were not going to be there because of the Coronavirus. Mr. Gokorsch said there was no need and asked her if she wanted to delay the proceedings so that her architect could attend. **Ms. Phillips stated she would like to proceed.**

Ms. Phillips would like to have a 14.5-foot front yard variance (20.5 feet vs. 35 feet) for a new addition and garage. She stated there were water drainage problem on Blackford Drive. Heavy rains have nowhere to go. Geauga Soil & Water said her driveway accepts drainage from 10 acres. Heavy storm carry debris with it, which ends up in her garage. Geauga Soil & Water also noted that a swale was previously removed along the driveway before they owned the home.

Ms. Phillips would like to enclose the existing garage, using that space for their family room, and build a three-car garage next to it on the Blackford side yard, which is considered per the Russell

ZR to be afront yard. because this is a corner lot. The side yard setback requested would be 20.5 feet.

Mr. Gokorsch asked why she could not move the new garage back to be compliant with the required setback. **Ms. Phillips stated she did not want to lose any of her backyard area and this design will not change the front view from Walters Road. She stated this addition will also benefit her property value.**

Mr. Gokorsch asked the Zoning Inspector if moving back the garage will exceed the 35% allowable lot coverage. **The Zoning Inspector answered no. And the Zoning Inspector stated that final lot coverage would depend on how wide the new driveway would be but would be within the allowable limit.**

Mr. Boucek asked if the addition will include a new driveway and the wrap around porch shown in the drawing. **Ms. Phillips said there will be no wrap around porch just a front porch.**

Ms. Phillips was asked to update and sign the drawing (exhibit 1) with the correction removing the wrap around porch.

Mr. Johns asked if there was going to be a breezeway between the addition and garage. **Ms. Phillips said Yes.**

Ms. Phillips showed exhibit #5 showing the water flow path and a partial swale re-do. She stated this is why her front yard floods every storm. She stated the drainage pipe down the street (exhibit #4) cannot keep up, this is why water and debris flows into her existing garage.

Mr. Johns stated he is surprised that the Road Department allowed this to happen The Zoning Inspector said that is a Road Department responsibility and he does not know where the culverts are.

Mr. Boucek suggested Ms. Phillips contact the Geauga County Engineer's office to address the drainage issue. **Ms. Phillips said she would follow up.**

Mr. Gokorsch asked if she knew the grade going to her existing garage. **Ms. Phillips said she did not.**

Mr. Gokorsch asked if she owns any of the adjacent lots. **Ms. Phillips said No.**

Mr. Boucek asked if there was anything keeping her from moving the proposed garage back to 31.8 feet, the distance the current home is from Blackford. **Ms. Phillips said No, but she will lose her rear yard. If she needs to move it back, she will.**

Mr. Bouchek said the drainage problem is a separate issue and that needs to be taken up with the Geauga County Engineer's Office. Mr. Gokorsch agreed.

Mr. Johns clarified with Ms. Phillips that the new garage will be behind the new family room (which is the old garage) with a breezeway/laundry room to enter the new garage. **Ms. Phillips stated Yes.**

Mr. Gokorsch asked Ms. Phillips if she wanted to modify her request and move the garage back to the same distance from Blackford as the existing house, 28 feet, so that she would not need such a large variance. **Ms. Phillips said she wanted to keep the Variance as is.**

Mr. McGrievy asked Ms. Phillips if she would want to move the new addition half the distance back from Blackford to the existing house line. Ms. Phillips said no, she wanted to leave the addition as drawn.

Comments from the public were received:

Ms. Leslie Schroeder, 7685 Clarion Road, verified she was sworn in.

Ms. Schroeder stated that other houses are lower than Ms. Phillips home, she reviewed exhibit #4 showing the swale by Clarion/Blackford Drives, and asked if this variance is granted will it also be granted for all homes in the area because they all have large front and smaller back yards. Mr. Gokorsch stated that a variance is granted based on the particular topography for each individual case.

Exhibits:

Mr. Downing asked Ms. Phillips to sign and date the 5 exhibits.

exhibit A (drawing from Architect)

exhibit B (driveway apron picture facing Blackford Drive)

exhibit C (applicant's property on Blackford Drive)

exhibit D (picture of property facing North to Walters Road looking North showing ditch)

exhibit E (picture showing driveway parking area and drainage gate between parking and Blackford Drive)

Mr. Gokorsch made a motion to accept the applicants' exhibits into the record. Mr. Downing seconded the motion and it passed unanimously.

Mr. Bouchek made the motion to close the public hearing for request #531. Mr. McGrievy seconded the motion and it passed unanimously.

The Board reviewed the Duncan Factors for Variance #531:

- 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. **Yes: 41% from 35foot, setback, 11 feet closer than the current garage.**
- 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. No other testimony given.**
- D) Whether the variance would adversely affect the delivery of governmental services. **No. No other 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 owner's predicament feasibly can be obviated through some method other than a variance. **Yes. They have the option to move garage back from Blackford Rd. into their back yard.**
- G) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Mr. Johns stated **yes. If the garage is moved back into the yard it will block the family room window. He also noted the family room/ garage wall will require a fire wall.**
- H) Such other criteria which relate to determining whether the zoning regulation is equitable. **Corner lots require special consideration because of having two front yard setbacks.**

Mr. Boucek made the motion to approve Variance #531. Mr. Johns seconded the motion. Upon roll call the vote was Mr. Boucek – No, Mr. McGrievy – No, Mr. _Gokorsch– No, Mr. Johns - Yes, Mr. Downing – No. The motion was denied.

Other Business:

Mr. Boucek made the motion to accept the Findings of Fact from the July 27, 2020 meeting. Mr. McGrievy -seconded the motion and it passed unanimously.

Mr. McGrievy-made the motion to accept the Minutes from the July 27, 2020 meeting. Mr. Johns-seconded the motion and it passed unanimously.

Zoning Inspector said that Circle K will have a final inspection Friday, November 20, 2020.

There being no other business, Mr. Boucek made a motion to adjourn. Mr. McGrievy seconded and the meeting adjourned at 7:59 p.m.

Mrs. Cathleen Birli Date

Mr. Steve Gokorsch Date