

Minutes: Russell Township Board of Zoning Appeals  
Russell Township Hall  
October 3, 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 7:01 p.m.

The legal notice was published in the Chagrin Valley Times and Geauga Maple Leaf on Thursday, September 22, 2022.

The Certified Letters were mailed Tuesday, September 20, 2022.

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

(2) in attendance were sworn in.

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**Variance Application #549** – Submitted by Mr. Eugene Kratus, 14971 Stillwater Drive – Parcel #26-157900. The Applicant is seeking to install an Accessory Building/Shed in front of the principal building. The property is in the R5 District.

**Mr. Krakus stated that he has two separate lots; lot 1 has his home and lot 2 has the driveway and garage. There is no easement.**

**He would like to build a small storage shed in front of the driveway and garage, on lot 2. The septic is located behind the garage, which runs parallel to the home.**

**Both lots are on the Chagrin River and both lots have a riparian setback.**

Mr. Gokorsch asked the zoning inspector to verify. **The zoning inspector verified that Mr. Krakus has two lots; lot 1 has the primary residence; lot 2 has the septic field, which runs parallel to the property, and garage. He stated, technically the septic field should be on the lot with the principal residence but does not.**

Mr. Boucek asked to verify that the orange line, on Exhibit A, is the riparian setback. **Mr. Krakus said Yes.**

**The zoning inspector stated that there are several properties on Stillwater Drive that have accessory structures in the front of the primary residences, and in the last five years, there have been two variances that have come before the Board of Zoning Appeals for this purpose. This can be seen from the 2017 Geauga Real Link.**

Mr. Gokorsch asked if any of these properties have a detached front garage? **The zoning inspector said Yes. Two properties have garages' that are closer to the road than the proposed Mr. Krakus's will be. Mr. Krakus stated the accessory structure will be 137' from the road.**

Mr. Bouchek asked if the vinyl siding of the accessory building will be similar to the home? **Mr. Krakus said Yes. Gray siding.**

Mr. Gokorsch asked if the accessory building will have water/sewer/power? **Mr. Krakus said No, to all.**

Ms. Mulloy asked if the accessory building will be on a slab? **Mr. Krakus said the structure will be on gravel.** Can the structure be put on top of the septic field, behind the detached garage? **Mr. Krakus said the builder advised him not to.**

Mr. Gokorsch asked if the size of the accessory building? **Mr. Krakus said 16' x 24'.** Do you know the height? **Mr. Krakus said he does not.**

Mr. McGrievy said the Variance application stated the height is 15'.

Mr. Gokorsch said he would like the setback from the road to be 200' instead of 137'. **Mr. Krakus said Yes, he could do that.**

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#### **Comments from the Public:**

Mr. Jeff Green , 15020 Hemlock Point, was sworn in.

**Mr. Green lives across the Chagrin River from Mr. Krakus. He is concerned about the placement of the accessory building and the possible flood plain change because Mr. Krakus lives on top of the hill.**

**In 1993 there was a 500 year flood and he had water in his basement. He stated this happened after Mr. Krakus put in his septic field. He asked if Mr. Krakus will be filling it in? Mr. Krakus said No.**

Mr. Gokorsch stated the zoning board has no say on septic placement. That is a Health Department question.

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*Mr. Gokorsch asked Mr. Krakus to sign and date the accessory building placement and the change from 137' to 200' from the road (Exhibit A), and the dimensions of the accessory building (Exhibit B), so they can be included as exhibits.*

Exhibit A (accessory building placement and the change to 200' from the road)  
Exhibit B (dimensions of the accessory building)

*Mr. Downing made a motion to accept the applicants' (Exhibit 1) and (Exhibit 2) into the record. Ms. Mulloy seconded the motion and it passed unanimously.*

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*Mr. Bouchek made a motion to close the public hearing for the variance request #549. Mr. McGrievy seconded the motion and it passed unanimously.*

**The board reviewed the Duncan Factors for Variance #549:**

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. The accessory structure is in the front yard.**

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: **The color and style will be matching to the home. Testimony from the zoning inspector stated other similar properties have front yard accessory buildings.**

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. No testimony given.**

F) Whether the property owners' predicament feasibly can be obviated through some method other than a variance: **No. This property has a riparian setback, the septic/leech field was added parallel to the home structure.**

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: **Other properties in the area have front yard accessory structures.**

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*Mr. Boucek made the motion to approve Variance #549, 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 – yes, Mr. Gokorsch – yes. The motion was approved unanimously.*

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**Minutes:**

*Mr. Downing made the motion to accept the minutes, as amended, from September 12, 2022 meeting. Ms. Mulloy seconded the motion and it passed unanimously.*

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**Findings of Facts:**

*The board signed the Findings of Fact for Variance #545 from the March 7, 2022 meeting.*

*The board signed the Findings of Fact for Variance #546 from the July 11, 2022 meeting.*

*The board signed the Findings of Fact for Variance #547 & #548 from the September 12, 2022 meeting.*

