

Minutes: Russell Township Board of Zoning Appeals
Russell Township Hall
November 1, 2021

Present: Mr. Steve Gokorsch - Chairman
Mr. Dushan Bouchek, Vice-Chairman
Mr. Bill Downing
Mr. Mark McGrievy
Mr. Matt Rambo

Also in attendance: Mrs. Cathleen Birli, Zoning Secretary

Shane Wrench, Zoning Inspector, was absent with apologies.

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, October 21, 2021.

The Certified Letters were mailed Tuesday, October 19, 2021.

All in attendance (3) were sworn in.

Variance Application #542 – Submitted by Tim McCaskey of McCaskey Landscape and Design for Melissa V. Butler (owner), 14719 County Line Road, Parcel #26-085500. The applicant is seeking to construct an in-ground swimming pool with a concrete patio and privacy fence. Section 5.2, paragraph B, requires a maximum lot coverage of 10 percent. The applicant is requesting 12 percent lot coverage, requiring a variance of 20 percent.

Mr. Downing made them motion to open the public meeting for Variance #542, Mr. Rambo seconded the motion and it passed unanimously.

Mr. McCaskey, 13580 Fisher Road, confirmed that he was sworn in.

Mr. McCaskey stated the total lot coverage is 10, 328 square feet, 290 square feet over the 10 percent coverage limit.

This addition will not be seen by neighbors.

Mr. Gokorsch asked if the pool will be fenced in? **Mr. McCaskey stated that the pool has an auto cover and will not require fencing.**

Mr. Gokorsch asked if the auto cover is on a timer? **Mr. McCaskey said No. You have to physically hit the button and watch it close.**

Mr. Gokorsch asked if the pool is near the neighbors? **Mr. McCaskey said he was not sure. There are two homes to the North, with evergreens and a grade change and one home to the West.**

Mr. McCaskey referenced Exhibit (F) showing the homes.

Mr. Gokorsch asked where the pool equipment and pump house will be? **Mr. McCaskey said they are both behind the garage.**

Mr. Gokorsch also asked if the North side of the property, closest to the neighbor, will hear noise from the pumps? **Mr. McCaskey said No. There is zero lot space between the pump house and garage.**

Mr. Downing asked about grading? **Mr. McCaskey said there is 18 feet of grade difference on the lot.**

Mr. McCaskey referenced this on Exhibit (D), proposed grading and Exhibit (E), existing grades.

Mr. Boucek asked if there were any other support items for the pool? **Mr. McCaskey said Yes. There is pump and heater, both requiring electricity.**

Mr. Gokorsch asked if there will be a cabana? **Mr. McCaskey said No.**

Mr. Rambo asked about pump drainage? **Mr. McCaskey said there will be sub-surface drainage.**

Mr. Rambo asked what happens to the water if you need to drain the pool? **Mr. McCaskey stated the pool will only drop 3 inches. Fiberglass pools do not get drained completely.**

Mr. Gokorsch asked what is on the back East corner of the property, that is shown on Exhibit (A)? **Mr. McCaskey said that is a playset and trampoline.**

Mr. Rambo asked what is covering the playset and trampoline? **Mr. McCaskey said a 12' x 12' and a 32' x 32' plastic covers.**

Comments from the Public:

Mr. Butters, River Glen, confirmed he was sworn in.

Mr. Butters wanted to clarify that the lot coverage variance is 20% of the regulation not 2%.

The board agreed.

Mr. Downing made a motion to close the public hearing for the variance request #542. Mr. McGrievy seconded the motion and it passed unanimously.

The Board reviewed the Duncan Factors for Variance #542:

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. Not Substantial.**

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. It will enhance the neighborhood.**

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. Per the application.**

F) Whether the property owners' predicament feasibly can be obviated through some method other than a variance: **No.**

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: **None.**

Mr. Downing made the motion to approve Variance #542. Mr. Boucek seconded the motion. Upon roll call the vote was Mr. Downing yes, Mr. McGrievy yes, Mr. Rambo yes, Mr. Boucek yes, Mr. Gokorsch yes. The motion was approved.

Minutes:

Mr. Downing made the motion to accept the minutes from the August 16, 2021 meeting. Mr. Rambo seconded the motion and it passed unanimously.

There being no other business, Mr. Rambo made a motion to adjourn. Mr. Downing seconded and the meeting adjourned at 8:10 p.m.

