

**Minutes: Russell Township Board of Zoning Appeals
Russell Fire-Rescue Station
August 1, 2016**

Present: Steve Gokorsch, Chairman
Dushan Bouchek
Nick Grassi
Sarah Moore

Absent: William Downing

Also in attendance: Shane Wrench, Zoning Inspector; Jennell Dahlhausen, Zoning Secretary; Joe Luca; Chris Luca; Charlie Butters; Kelly Schneider; Karen Schneider.

The meeting was called to order at 7:02 p.m.

VARIANCE REQUEST #496: Requesting a variance for the side yard setback of 13 feet for an attached garage in lieu of the 50 feet required in an R-3 zoned district per Section 5.2(B).

Mr. Bouchak moved to open the public hearing for variance request #496, seconded by Ms. Moore. Motion passed unanimously.

Joe and Chris Luca of 8545 Pekin Road were sworn in.

Mr. Gokorsch explained to Mr. and Ms. Luca that a quorum of the Board is present, which allows for enough members to vote on the variance request. However it should be understood that for this request to pass 3 members must vote affirmative. Therefore the probability of success is better when all 5 members are present. Mr. Gokorsch also stated there would only be four members present at the next meeting as well and that Mr. Luca can wait for a meeting when all five members are present if he wishes.

Mr. Luca stated that he would like to proceed this evening but asked that the Board wait for his neighbors who plan to attend this meeting. They are on their way and are the neighbors that would be most affected by the garage addition. The Board agreed to wait for them before they began discussion on the variance request.

MINUTES OF JULY 11, 2016: Ms. Moore would like Ms. Dahlhausen noted under the attendance section of the minutes from July 11, 2016. *Ms. Moore moved to accept the minutes of the July 11, 2016 meeting as amended, seconded by Mr. Grassi. Motion passed unanimously.*

VARIANCE REQUEST #496 CONTINUED:

Kelly Schneider and Karen Schneider of 8525 Pekin Road were sworn in.

Mr. Luca is seeking a variance for the side yard setback of 13 feet for an attached garage, in lieu of the 50 feet required in an R-3 zoned district per Section 5.2(B). Mr. Luca stated that he currently has a small one car garage on the same side of the home, as shown in exhibit A3, but they use this as storage since they do not have any other lawn care storage areas inside the home. There is also a two car detached garage about 60 feet from the house but they would like an attached garage since both he and

his wife have fallen on ice while walking to garage and are concerned about the future. They plan to continue to use this garage for two tractors, lawn care and a truck.

Mr. Bouchak asked why the garage can't be added to the southeast rear corner of the home and said this location would not require a variance. The Luca's feel this location will not be as attractive to the home and would have to tear down some of their trees that provide shade to the home. They were also concerned that they would not be able to enjoy their sunroom as much, and stated there is a leach field and septic tank in this area, which was noted on exhibit 1.

The Zoning Inspector determined the frontage of the property is about 160 feet and stated that at the time the home was built, the side setback was 30 feet and the house was in compliance. Since this time, the setback requirement has been changed to 50 feet. The Zoning Inspector added that the closest structure, Ms. Schneider's home, is about 225 feet from the edge of the proposed addition.

Kelly Schneider lives at the property located next to the Luca's and Karen Schneider currently owns this property, which is located on the corner of Pekin and Chillicothe Road. They both were in favor of the variance request and stated the proposed position for the new garage would conform to the look and feel of the neighborhood. They added that it will be an attractive addition to the home, looks similar to other homes in the area, and they would rather the addition be added to the west side of the home as requested than to the southeast rear corner of the home.

Mr. Luca stated the proposed garage addition would be installed on top of the current concrete drive that is on the property, with about 18 inches of concrete drive remaining to the west. The Board asked Mr. Luca what is the difficulty if the variance request is not approved. Mr. Luca said he gave the location much thought and the proposed plan is the best option due to the leach field, septic tank and well head.

The Schneiders said they feel the proposed location would be the most attractive location and their property is most affected by the garage. Mr. Luca added that he thinks this will be attractive because his plans mirror the look and profile on other side of the home.

Ms. Moore asked if there were any other conditions that should be considered when determining their decision for the variance request. Ms. Luca stated that she would lose part of her backyard if they were to build the garage to the southeast rear of the home. She said there are some trees that would have to be removed that provide shade to their home and that they would not be able to enjoy their sunroom on the back of the house as much. Ms. Luca added that the house would look pieced together if they built the garage in any other location.

Ms. Moore said she thinks there is a requirement from the County as to how far someone is permitted to build from a water well head.

Mr. Bouchak made the motion to accept Exhibit 1 - aerial photograph of the property, Exhibit A - four photographs 1, 2, 3 and 4, and Exhibit B - three photographs 1, 2 and 4, seconded by Mr. Grassi. Motion passed unanimously.

With no further comment from the public, Mr. Bouchak moved to close the public hearing for variance request #496, seconded by Ms. Moore. Motion passed unanimously.

The Board reviewed the factors used to establish a practical difficulty:

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. As stated in the variance request.

B) Whether the variance is substantial: Yes, it would be a 70% variance. The applicant answered no on the application but the board answered yes.

C) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties could suffer a substantial detriment as a result of the variance: Both the applicant and the neighbor the Schneiders said no.

D) Whether the variance would adversely affect the delivery of governmental services: The applicant answered no and the board agreed.

E) Whether the property owner purchased the property with the knowledge of the zoning restriction: The applicant answered they have resided at the property for about 40 years. The Zoning Inspector noted in the meeting that the current home was built within the zoning side setback of 30 feet at the time it was constructed and the side setback has since increased to 50 feet.

F) Whether the property owners' predicament feasibly can be obviated through some method other than a variance: The applicant answered no. Construction of the garage to the southeast corner of the home was discussed. The applicant has proposed the construction on the west side of the home on the footprint of the current concrete driveway, note that the new construction will be about 18 inches shorter than the existing driveway.

G) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance: The applicant answered yes and feels it will increase his property value and will balance out the house. The closest structure to the west of the proposed location of the garage is about 225 feet away. The placement of the garage to the southeast of the home would cause the loss of trees that provide shade to their home, some loss of enjoyment for the use of their sunroom and it was stated that it would not be as attractive.

H) Such other criteria which relate to determining whether the zoning regulation is equitable: The existing home is small in square footage as compared to today's standards. The most effected neighbor attended the meeting and supports the placement of the proposed garage. The existing one car garage is small and is difficult to use for today's automobiles.

Ms. Moore moved to approve Variance #496 as submitted by the applicant, seconded by Mr. Bouchak. In favor; Mr. Grassi, Ms. Moore, Mr. Gokorsch. Against; Mr. Bouchak. Motion passed.

OTHER BUSINESS: The Zoning Inspector stated someone has expressed interest in submitting a variance request for a barn to be reviewed at the next meeting.

The Zoning Secretary reminded the Board the next meeting will be held Monday, September 13th at 7:00 p.m.

Being that there was no further business to come before the Board, Ms. Moore moved to adjourn, seconded by Mr. Boucek. The meeting adjourned at 7:55 p.m.

Jennell Dahlhausen Date
Zoning Secretary

Steve Gokorsch Date
Chairman