



Russell Township Board of Zoning Appeals

FINDINGS OF FACT

VARIANCE REQUEST #571

Applicant: Jason & Alyssa Abernathy

Applicant's Address: 15390 Hemlock Point Road

Parcels Covered by Requests:

<u>Parcel Number</u>	<u>Address</u>	<u>Current Owner</u>	<u>Nexus Between Applicant and Parcel</u>
26-162900	15390 Hemlock Point Rd.	Jason & Alyssa Abernathy	Owners

I. **The Record** The Board of Zoning Appeals held a *Public Hearing* on: September 8, 2025.

The Board of Zoning Appeals considered *testimony* from the following individuals:

- Jason Abernathy (Owner)
- Jeff Krise, Litehouse Pools

The Board of Zoning Appeals also considered all *exhibits* admitted into the record by applicant.

II. **Variance Request #571**

The Applicants, Jason & Alyssa Abernathy, are seeking a reduction of the 30 ft. side-yard variance to 21.6 ft. for construction of an in-ground swimming pool.

The Board of Zoning Appeals considered testimony and exhibits to render its findings of fact. Each variance request was considered as a component of the overall submission. The Board of Zoning Appeals' decision should not be construed as approving items within the building and site plans admitted into evidence by applicant that deviate from the Zoning Resolution and were not specifically presented to the Board of Zoning Appeals for consideration. To the extent any such deviations from the Zoning Resolution exist, they must be presented at a later date by the applicant.

FINDING OF FACTS FOR PARCEL 26-063300

1. **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.
2. **Whether the Variance is substantial.**
No, 30% not substantial
3. **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



Russell Township Board of Zoning Appeals

4. Whether the Variance would adversely affect the delivery of governmental services.

No testimony given

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions.

No

6. Whether the property owner's predicament feasibly can be obviated through some method other than a Variance.

No, location of septic tanks and leach fields make the proposed location optimal.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the Variance.

Yes.

8. Such other criteria which the board believes relates to determining whether the Zoning Regulation is equitable.

Nearest structure is 60ft from side lot.

Motion made by Mr. Boucek to approve Variance Zoning Resolution #571 for a 21.6ft side-yard setback, for an in-ground pool at 15390 Hemlock Point Road. Ms. Knauer seconded and upon a roll call the vote was. Boucek-yes; Ms. Knauer-yes; Mr. Gokorsch – yes. The motion passed.

THE RUSSELL TOWNSHIP BOARD OF ZONING APPEALS


Steve Gokorsch, Chairman

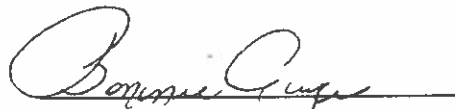

Adrienne Knauer

Nicole Mulloy

Date: 10-6-2025


Dushan Boucek, Vice Chairman

Mark McGrievy


Zoning Secretary