

Minutes: Russell Township Board of Zoning Appeals
Russell Township Hall
February 5, 2024

Present: Mr. Steve Gokorsch, Chairman
Mr. Dushan Boucek, Vice-Chairman
Mr. Mark McGrievy
Ms. Nicole Mulloy

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

Mr. Bill Downing 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, January 25, 2024.

The Certified Letters were mailed Tuesday, January 18, 2024.

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

Organizational Appointments for 2024

Ms. Mulloy made a motion to nominate Mr. Gokorsch as the Chairman, and Mr. Boucek as Vice-Chairman, Mr. McGrievy seconded the motion and it passed unanimously.

Application #558: Submitted by Mr. Christopher Weeder. The property is located at 14493 Chillicothe Road. There are two parcels: parcel #26-123600 (2.11 acres) and parcel #26-214050 (10 acres). The Applicant is seeking to consolidate the two lots and then split them, to make two buildable lots. The Applicant is seeking three variances. The first two variances are for road frontage requirements of 250 feet per lot. The Applicant is asking for a 40 foot road frontage, for each lot, requiring a 210 foot variances. The third variance, the Applicant is seeking a lot width of 200 feet, for one lot, requiring a 50 foot variance, to the required 250 foot requirement.

Mr. Gokorsch advised the Applicant that there was a four-member board, and that the Variance Request approval requires the majority vote, three members, of the board. He gave Mr. Weeder the chance to postpone the meeting until there could be a full board.

Mr. Weeder declined to postpone his meeting.

Five (5) in attendance were sworn in.

Mr. Weeder, 14493 Chillicothe Road, confirmed he was sworn in.

Mr. Weeder has two parcels; Parcel #26-123600 is 2.11 acres, consisting of the driveway; Parcel #26-214050 is 10 acres, located East of the property, in the rear of the lot, which is landlocked.

Mr. Weeder is requesting 3 variances. Two variances are for the 2.11 acre lot, to reduce the 80 foot existing drive to make two drives, 40 feet wide, requiring a 210 foot variances, for both. The third variance is a lot width variance of 200 feet, for the 10 acre lot in the rear, requiring a 50 foot variance to the required 250 foot requirement.

Mr. Gokorsch asked Mr. Weeder if he purchased both lots. **Mr. Weeder said Yes. Mr. Weeder stated that he is moving here from Mentor.** Mr. Gokorsch asked if Mentor has zoning regulations. **Mr. Weeder said Yes.** Mr. Gokorsch asked if he was aware of Russell Township Zoning Regulations. **Mr. Weeder said No.**

Mr. Boucek, looking at the GIS drawing, asked if Parcel #26-123600 is 2.11 acres and Parcel #26-214050 is 10 acres which is to the East of the property, from the drive, and is rectangular in size. **Mr. Weeder stated Yes.**

Mr. Boucek asked if he wants to split Parcel #26-123600, the 2.11 acres. **Mr. Weeder said Yes.** Have you had this parcel surveyed? **Mr. Weeder said not yet. He is waiting until he makes a decision to split the parcel or keep it as one.**

Mr. Boucek asked Mr. Weeder if he wanted to build two homes on the 10 acre lot, Parcel #26-214050. **Mr. Weeder said Yes. He will hire a surveyor when he is approved for the variance because the surveyor fees would be \$10,000 for a lot split of this parcel or a \$6,000 to consolidate this parcel with Parcel #26-123600, the 2.11 acre lot.**

Ms. Mulloy asked why the layout sizes for the parcels, on the drawings, are so different in size. **Mr. Weeder stated if he splits the 10 acre parcel, Parcel #26-214050, lot one (1) would have the minimum 3 acre lot size requirement for zoning and the second (2) lot would be the remaining 7 acres.**

Mr. Boucek asked if he contacted the neighbor to the North, who owns 15 acres, to buy some land to make the road frontage wider. **Mr. Weeder said Yes. The neighbor declined to sell any land.**

Mr. Boucek asked if Mr. Weeder would split the 10 acre lot, Parcel #26-214050, if the variances were approved. **Mr. Weeder said Yes.**

Mr. Gokorsch asked the Zoning Inspector if there is precedent on variance request before lot consolidation or lot split were approved. **The Zoning Inspector said Yes. Consolidation or lot split variance approvals can be contingent on Board of Zoning Appeals approval. The Planning Commission will ask for zoning approval before they approve.**

Mr. Gokorsch asked if he wants to create two (2) non-conforming lot variances and a width variance for the lot splits on the 10 acre parcel, Parcel #26-214050. **Mr. Weeder said Correct.**

The Zoning Inspector stated that in 1947 the 10 acre parcel, Parcel #26-214050, was landlocked. In 1966 Russell Township created a 2 acre access drive to the back lot, which is just how it is now.

Mr. McGrievy suggested that the access drive become a shared driveway, with shared access and shared maintenance.

Mr. Gokorsch agreed. Having a shared driveway, with one three (3) acre lot and one seven (7) acre lot, would only require you to request the width variance in the rear. The 80 foot frontage is lot of record and would stay.

Mr. McGrievy said the easement rights to the other home, with shared expense, takes away the practical difficulty variances.

Mr. Weeder stated that would be an ideal outcome.

Mr. Gokorsch stated that the easement, if permitted, would transfer to a new owner if the property is sold.

Mr. Boucek suggested another solution. Turn the 80 foot drive access into a public right of way. Build a road to the back 10 acres, Parcel #26-214050, with a turnaround. Then divide the 10 acres. No variances would be needed. The road would then be owned and maintained by Geauga County.

Mr. Gokorsch stated that that could be expensive. This is an idea to research with the Planning Commission.

Comments from the Public

Ms. Juanita Zeller, 14494 Crestview Drive. Confirmed she was sworn in.

Ms. Zeller asked the total number of acres for both parcels. Mr. Gokorsch stated the parcels are a total of 12.11 acres.

Ms. Zeller asked if there were three (3) lots attached to the property. Mr. Gokorsch stated the parcels are two (2) lots.

Ms. Zeller asked if one (1) of the lots is landlocked. Mr. Gokorsch said Yes.

Mr. Weeder stated he would like to have an easement for the 2.1 acre parcel for the front drive, Parcel #26-123600, to the landlocked 10 acre parcel in the rear, Parcel #26-214050, which he then would like to split and make two (2) lots, for two homes.

Mr. Carl Schwarting, 14525 Chillicothe Road. Confirmed he was sworn in.

Mr. Schwarting stated he works the evening shift and would like to know when the next meeting will take place, if needed, so he could plan with his work schedule.

Mr. Gokorsch stated that any comments you make tonight will be submitted on record for future meetings.

Mr. Schwarting read a letter stating his concerns.

The property was sold as one 12.11 acre parcel.

What is the size/shape/adjacent properties.

What is the Russell Township land use guide for greenspace.

Two drives would not fit in the surrounding area.

Water run-off and ground water contamination.

Two lots would need to have 2 septic systems and 2 wells, disrupting rural greenspace.

The owner was aware of the landlock when he purchased the property.

He would like to keep the rural atmosphere.

Mr. Schwarting declined to have the letter entered into the record as Exhibit (A).

Mr. Charles Madden, 14505 Chillicothe Road. Confirmed he was sworn in.

Mr. Madden is concerned about the water run-off and contamination of water when building two homes.

Mr. Gokorsch stated Geauga County Soil & Water Conservation District will be approving the septic, and back-up septic.

The Zoning Inspector stated that Geauga Soil & Water Conservation District will complete a water management and sediment control reports, so the criteria are being met, for the land. They will also have onsite inspections during construction.

Mr. Weeder stated that the surveyor will locate the topography for the wells/septics for Geauga County Soil & Water Conservation District reports.

Mr. Gokorsch asked the Zoning Inspector if there are other lots in Russell Township with flag lots. **The Zoning Inspector said No.**

Mr. Ryan Radonovich, 8625 Pekin Road and 8605 Pekin Road. Confirmed he was sworn in.

Mr. Radonovich stated he has lived in Russell Township for 35 years and owns 30 acres, to the North of the back 10 acre parcel, Parcel #26-214050, with 22 of those acres used for forestry. He has a bald eagle, owls and woodpeckers and is concerned about his forestry acres being chopped up for two homes.

Mr. Gokorsch stated he understands his concerns.

Mr. Gokorsch stated more research needs to be done regarding the use of the drive. One is an easement with one drive going back to the two (2) proposed lots, upkeep would be the responsibility of the homeowners; or two, having a Right of Way drive going back to the two (2) parcels, upkeep would be

the responsibility of Geauga County.

Mr. Gokorsch asked Mr. Weeder if he would like to research the drive/easement possibilities and continue the variance request at a later date? **Mr. Weeder said Yes. He would like to continue the variance request at a later date.**

Mr. Gokorsch asked Mr. Weeder to sign and date McSteen Land Surveyors lot survey (Exhibit B).

Exhibit B (lot survey)

Mr. McGrievy made a motion to accept the Applicants' lot survey (Exhibit B) into the record. Mr. Boucek seconded the motion and it passed unanimously.

Mr. Boucek made a motion to close the public hearing for variance request #558, Ms. Mulloy seconded the motion and it passed unanimously.


Mr. McGrievy made a motion to continue variance request #558, Ms. Mulloy seconded the motion and it passed unanimously.

Minutes

Mr. Gokorsch made the motion to accept the minutes, as amended, from the December 4, 2023, meeting. Ms. Mulloy seconded the motion and it passed unanimously.

There being no other business, Mr. Gokorsch made a motion to adjourn. Mr. Boucek seconded, and the meeting adjourned at 8:20 p.m.

Mrs. Cathleen Birli 4-8-24
Mrs. Cathleen Birli Date
Zoning Secretary

 4/8/24

Mr. Steve Gokorsch Date
Chairman