

Russell Township Board of Appeals Meeting Minutes

Russell Township Hall

Date: December 2, 2024

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

Mr. Shane Wrench, Zoning Inspector; Bonnie Guyer, Zoning Secretary

The Legal Notice was published in the Chagrin Valley Times and Geauga Maple Leaf on November 21, 2024

Certified Letters were mailed November 20, 2024

Also in attendance: Nicholas Mikash, Sarah Mikash, Sandy Osborn, John Rode. All attendees were sworn in by Chairman Gokorsch.

Mr. Downing moved to open the public meeting for Variance 567. Mr. Boucek seconded the motion, unanimously approved.

Variance Application #567 submitted by Nicholas Mikash, 13640 Heath Road, Parcel # 26-063300. Applicant is seeking two variances, one to the side yard setback of 50' in the R-5 and a second variance to allow an accessory structure to be located in front of the principal building.

The Applicant was before BZA in November 2023 for a side-yard setback variance to construct their home. They are now seeking to reduce the 35ft variance further, to a side-yard setback of 10ft, an additional 25ft. The proposed structure would have a setback of 10ft off the side yard. A variance from the Russell Township Resolution – Ch.5.2(B).

The second variance for the Accessory structure in front of the principle building A variance from the Russell Township Resolution – 4.7(V).

Discussion regarding topography and actual structure location resulted in amending the variance request from a 10 ft side yard request to a 12 ft request.

Public comments:

Sandy Osborn, 13685 Sperry Rd, confirmed she was sworn in. Ms. Osborn wanted to review the location of the proposed structure.

John Rode, 13570 Heath Rd, confirmed he was sworn in. Mr. Rode supported the location of the shed

Vice Chair Boucek moved to close the public hearing for variance #567. Ms. Mulloy seconded the motion, and it passed unanimously.

Mr. Downing moved to accept the exhibits. Mr. McGrievy seconded the motion, and it passed unanimously.

Exhibit A as Amended– Show the site plan of the property with the side clearance to be 12ft

Exhibit B – Three photographs from Sperry Road

Exhibit C – Lot Improvement Plan

Exhibit D - Lot Improvement Plan

Exhibit E – Salt Box storage barn

The Board reviewed Duncan Factors for Variance #567:

Two variances; one for an accessory structure in front of the principal building and the other for a side yard setback.

Vice Chair, Boucek, moved to approve two variances for a new shed at 13640 Heath Road. One variance for an accessory structure in the front yard, and the other variance for a 12ft yard setback from the north property line. Mr. Downing seconded the motion.

Roll call vote:

Vice Chair Boucek	yes
Mr. McGrievy	yes
Mr. Downing	yes
Ms. Mulloy	yes
Chairman Gokorsch	yes

Additional Agenda Items:

- June 10th and October 7th meeting minutes reviewed and amended. Mr. McGrievy moved to accept the minutes as amended. Vice Chair Boucek seconded, unanimously approved via vocal vote.
- Signed the official conditional use letter for Laurel School
- Approved the 2025 BZA meeting schedule.

Vice Chair Boucek moved to adjourn the meeting. Mr. Downing seconded, unanimously approved. Meeting adjourned at 8:36pm.

Transcript of the proceeding, as submitted by Fincun-Mancini Court Reporters, is on file.

Respectfully submitted,

 5/12/25

Steve Gokorsch
Chairman

Date

 5-12-2025

Bonnie Guyer
Zoning Secretary

Date



Russell Township Board of Zoning Appeals

FINDINGS OF FACT

VARIANCE REQUEST #567

Applicant: Nicholas Mikash

Applicant's Address: 13640 Heath Road

Parcels Covered by Requests:

<u>Parcel Number</u>	<u>Address</u>	<u>Current Owner</u>	<u>Nexus Between Applicant and Parcel</u>
26-063300	13640 Heath Road	Nicholas Mikash	Owner

I. The Record

The Board of Zoning Appeals held a *Public Hearing* on: December 2, 2024.

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

- Nicholas Mikash (Owner)
- Sarah Mikash (Owner)
- Sandy Osborn, 13685 Sperry Rd.
- John Rode, 13570 Heath Rd.
- Shane Wrench, Zoning Inspector

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

II. Variance Request #567

Applicant is seeking two variances, one to the side yard setback of 50' and the second to allow an accessory structure to be located in front of the principal building. Testimony resulted in amending the variance request from a 10 ft. side yard request to a 12 ft. request.

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.**

Yes, approximately 66%



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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
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.**
Assuming yes
6. **Whether the property owner's predicament feasibly can be obviated through some method other than a Variance.**
No.
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.**
No exterior lighting or plumbing

Motion made by Mr. Boucek to approve Variances Zoning Resolution #567, for a new shed at 13640 Heath Road. One variance for an accessory structure in the front yard, and the other variance for a 12 ft yard setback from the north property line.

Mr. Downing seconded and upon roll call the vote was Mr. McGrievy-yes; Ms. Mulloy-yes; Mr. Gokorsch – yes. The motion passed.

THE RUSSELL TOWNSHIP BOARD OF ZONING APPEALS



Steve Gokorsch, Chairman


William Downing

Nicole Mulloy

Date: 5/12/25


Dushan Boucek, Vice Chairman


Mark McGrievy


Zoning Secretary

