

Minutes: Russell Township Board of Zoning Appeals Meeting Minutes
Russell Township Hall
September 9, 2024

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

Also in attendance: Mr. Shane Wrench, Zoning Inspector

Scott Laing

Inspector Wrench indicated meeting notices were placed in both The Chagrin Valley Times and Maple Leaf.

Chairman Gokorsch called the meeting to order at 7:00pm

Ms. Mulloy motioned to move into public comment for Variance #565.

Variance Application #565 – Submitted by Scott Laing, 7142 Kinsman Road, Novelty, Ohio 44072, Parcel # 26-046310. The applicant is seeking to construct a 12x28 shed. The shed is proposed to be in front of the principle building and 13'10" of the side property line. Accessory structures are not permitted in the front yard/in front of the principle building and the side yard setback requirement is 30', the applicant is seeking two variances.

Mr. Laing was sworn in.

Discussion with Board Members, Inspector Wrench and Mr. Laing resulted in eliminating one variance request. Vice-Chairman Boucek reiterated that side yard requirement is only 30 feet. The only variance needed is the structure in the front yard. Mr. Laing concurred but asked if he needed to resubmit his request. **Vice-Chairman asked if Mr. Laing wanted to amend his request to eliminate the side yard variance request. Mr. Laing answered in the affirmative. The only variance is for the structure in the front yard.**

Chairman Gokorsch asked if the shed is in the front yard, on 87, will it be in harmony with the other houses in the neighborhood. And will the proposed shed be visible from the roadway. Inspector Wrench replied yes, houses next door have a shed in the front yard. Further the proposed shed is treed.

Applicants' Exhibits:

- Exhibit #1 identifies the location of the shed in the front yard with a side yard dimension of at least 30 feet.
- Exhibit #2 which identifies the current new driveway off 87 for both his facility and the neighbor.

- The third exhibit is BZA Exhibit Number 1 for Appeals Number 565 topo map of the subject area.

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

Vice-Chairman Boucek moved to close the public hearing for variance request #565. Ms. Mulloy the motion and it passed unanimously.

**The Board reviewed Duncan Factors for Variance # 565
One variance for accessory building in the front yard:**

Vice Chairman Boucek moved to approve variance #565, 7142 Kinsman Road, as an amended request for an accessory building in the front yard and eliminating any requests for a side yard variance. Mr. Downing seconded.

Roll call vote;

Chairman Gokorsch Yes

Vice Chair Boucek Yes

Mr. Downing Yes

Mr. McGrievy Yes

Ms. Mulloy Yes

Chairman Gokorsch noted for Mr. Laing the potential for an appeal prior to the minutes being filed.

Additional Item:

- Laurel School postponed the meeting with the Board of Zoning Appeals until October, 2024.

There being no other business, Mr. McGrievy made a motion to adjourn. Mr. Downing seconded; motion carried unanimously.

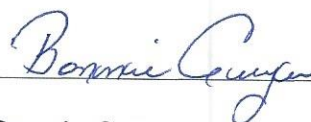
BZA hearing adjourned at 8:07pm.

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

 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 #565

Applicant: Scott Laing

Applicant's Address: 7142 Kinsman Road, Novelty, Ohio

Parcels Covered by Requests:

<u>Parcel Number</u>	<u>Address</u>	<u>Current Owner</u>	<u>Nexus Between Applicant and Parcel</u>
26-046310	7142 Kinsman Rd.	Scott Laing	Owner

I. The Record

The Board of Zoning Appeals held a *Public Hearing* on: September 9, 2024.

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

- Scott Laing (Owner)
- Shane Wrench, Zoning Inspector

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

II. Variance Request #565

Applicant is seeking to construct a 12x28 shed. The shed is proposed to be in the front of the principal building and 13'10" of the side property line. Accessory structures are not permitted in the front yard/in front of the principal building and the side yard setback requirement is 30", the applicant is seeking two variances.

After testimony the variance was amended to eliminate the side yard variance request. The only variance is for the structure in the front yard.

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 26-046310 for Variance 565 for structure in front yard.

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,



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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 testimony to that effect.

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

No.

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.

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.

The front of the house used to be on South Hillbrook and subsequently changed to be on Route 87, Kinsman


Motion made by Mr. Boucek to approve Variance Zoning Resolution #565, as an amended request for an accessory building in the front yard and eliminating any requests for a side yard variance.


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

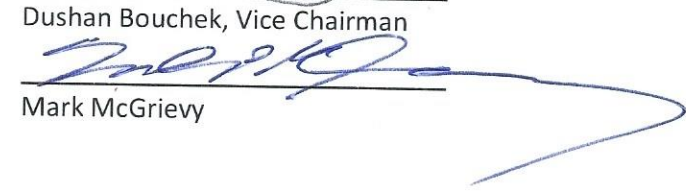
THE RUSSELL TOWNSHIP BOARD OF ZONING APPEALS


Steve Gokorsch, Chairman

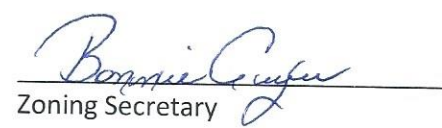

William Downing


Nicole Mulloy


Dushan Boucek, Vice Chairman


Mark McGrievy

Date: 5/12/25


Zoning Secretary