

**Minutes: Russell Township Board of Zoning Appeals  
Russell Fire-Rescue Station  
March 5, 2018**

Present: Steve Gokorsch, Chair  
Dushan Boucek  
William Downing  
Nick Grassi  
Sarah Moore

Also in attendance: Jennell Dahlhausen, Zoning Secretary; Shane Wrench, Zoning Inspector; Michael Wheeler; Walter & Christine Orwin; Edmund & Laura Leopold; Jason Baylor; Darrell Hershey; Bill Wokety.

The meeting was called to order at 7:00 p.m.

The Zoning Secretary stated that both Public Hearings were properly advertised in the Chagrin Valley Times.

The audience members planning to give testimony were sworn in.

**VARIANCE REQUEST #508:** Requesting a frontage variance of 85.12 feet in lieu of the 300 feet requirement, a width variance of 84.4 feet in lieu of the 300 feet requirement, and a side yard variance of 17 feet in lieu of the 50 feet required in an R-5 Residential zoned district per Section 5.2(B).

*Ms. Moore moved to open the public hearing for variance request #508, seconded by Mr. Boucek. Motion passed unanimously.*

Mr. Gokorsch asked Mr. Baylor, who was sworn in, if all of the statements in his variance application were truthful and he responded yes. Mr. Baylor is the builder from Payne & Payne Builders Inc. that is working with the Orwins.

Mr. Baylor stated this lot is unusual due to a steep cliff and a pond. The proposed house was moved near the side lot line due to the steep grade next to the driveway. If the Orwin's had to invest in backfilling the land so that the house would be within the side setback, they would have to spend a lot of additional money and could disrupt the riparian area.

Ms. Moore asked if this would affect the pond, which Mr. Baylor responded no. The home, as proposed, would be about 75 feet from the pond.

Mr. Baylor said this lot was reconfigured and split off from the neighboring property to the north several years back. He also presented a document showing the distances between homes in this area of Russell Road. There is about 257 feet between the proposed home and the home to the north and about 263 feet between the proposed home and the home to the south. This is significantly larger distance than the properties to the south which Mr. Baylor said are about 193 feet, 251 feet and 159 feet apart.

There is a 7 foot grade from south to north for the proposed house foundation, but they are planning on a walk out basement and will have enough dirt from the foundation of the home to build up areas where it is needed.

The Board mentioned the Orwin's may want to check if there is a dry hydrant at the pond or if they may want to install one, and to contact the Russell Fire Chief if they are interested. Mr. Gokorsch asked how wide the drive will be and if it is adequate for safety equipment to navigate. The drive will be about 12 feet wide, which the Zoning Inspector stated is standard.

Mr. Leopold, a neighbor, spoke concerning a variance he requested many years ago that was denied. He lives close to the Orwin property and stated that he asked for a 15 foot variance on the rear setback and the 2 foot variance on the height requirement. He said the Board doesn't want to set a precedent by approving the Orwin request. The location of his house is marked on Exhibit A.

Ms. Moore explained to Mr. Leopold what the Orwin's are requesting. He thought the request was for a shortened front yard setback, but they are requesting a side setback variance, as well as a frontage and width variance. After a better understanding of the request, Mr. Leopold stated that he doesn't have an issue.

*Being that there was no further comment from the public, Mr. Boucek moved to close the public hearing for variance request #508, seconded by Mr. Grassi. Motion passed unanimously.*

*Mr. Downing moved to accept exhibit A – a REALink map showing the distance between homes to the north and south of the Orwin property as amended, exhibit B – a REALink aerial view of the natural cover and pond on the property, and BZA exhibit #1 – a site improvement plan with the location of the proposed home and pond, seconded by Mr. Boucek. 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: *No: The applicant answered they are trying to work with the existing grade contours of the lot and provide a safe drive and turnaround for the home, while maintaining the front setback requirement and keeping the existing characteristics of the neighborhood. The Board noted the pond and grade significantly restricts the area available on the property for both the driveway and the proposed house.*

B) Whether the variance is substantial: *No: The applicant answered the variance request is 30%. The Board stated it was 34% and not considered substantial.*

C) 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: The applicant answered they do not think it will affect the neighborhood substantially. There is a large natural ravine and woods that helps separate the neighboring property. The Board stated exhibit A shows neighboring house separations. (There is about 257 feet between the proposed home and the home to the north and about 263 feet between the proposed home and the home to the south. This is significantly further than the properties to the south, which are about 193 feet, 251 feet and 159 feet apart).*

D) Whether the variance would adversely affect the delivery of governmental services: *No: The applicant answered no; the driveway slope and access will be maintained. The Zoning Inspector stated the driveway was compliant.*

E) Whether the property owner purchased the property with the knowledge of the zoning restriction: *No: The applicant answered no; it became apparent through the survey process when locating the proposed home on the lot. The Board stated there was plenty of testimony describing the uniqueness of the property.*

F) Whether the property owners' predicament feasibly can be obviated through some method other than a variance: *No: The applicant answered possibly with substantial changes to existing grades, which may add safety concerns and steeper driveway access. The Board stated the lot requires a variance for both width and frontage*

G) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance: *Yes: The applicant answered yes; they do not think the request will have a negative impact but will maintain the current character of the neighborhood. The Board agreed.*

H) Such other criteria which relate to determining whether the zoning regulation is equitable: *No additional comments.*

*Mr. Downing moved to approve Variance #508 as submitted by the applicant, seconded by Mr. Boucek. In favor; Mr. Boucek, Mr. Downing, Mr. Gokorsch, Mr. Grassi, Ms. Moore. Motion approved.*

**VARIANCE REQUEST #507:** Requesting a frontage variance of 55 feet in lieu of the 300 feet requirement and a width variance of 75 feet in lieu of the 300 feet required in an R-5 Residential zoned district per Section 5.2(B).

*Mr. Boucek moved to open the public hearing for variance request #507, seconded by Mr. Downing. Motion passed unanimously.*

Mr. Wheeler stated that he came before the Board in January to request a variance for 7847 Kinsman Road and now he is requesting a variance request for 7821 Kinsman Road. This property is 14 acres.

The Board noticed the map provided by Mr. Wheeler shows the property frontage as 260 feet and the width at 237 feet. The Zoning Secretary stated that Geauga REALink shows the frontage at 245 feet and the width at 225 feet. The Board stated they think Mr. Wheeler should be requesting whatever is listed on the survey provided and questioned that Mr. Wheeler needed a width variance, which the Zoning Inspector confirmed was needed. Mr. Wheeler revised his request for a frontage variance of 40 feet in lieu of the 300 feet requirement and a width variance of 63 feet in lieu of the 300 feet required in an R-5 Residential zoned district per Section 5.2(B).

Mr. Wheeler stated he has submitted his request to make this a buildable lot. There is a 300 foot drop in the back of the property and soil samples determined that the back part of the property is not suitable for building a home (mostly near the riparian area). He has done a lot of grading on the property due to standing water and made mounds on the front of the property for privacy. Many trees were removed by the previous owner so he has been planting trees as well.

*Being that there was no comment from the public, Mr. Boucek moved to close the public hearing for variance request #507, 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: *No: The applicant answered he can't build if the variance isn't approved. The Board agreed.*

B) Whether the variance is substantial: *No: The applicant amended his request to a 40 foot frontage variance and a 63 foot width variance. The Board stated this is 13% of the frontage and 20% of the width requirement and was not substantial.*

C) 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: The applicant answered no; 7805 Kinsman Road has two parcels. The west property has a frontage of 115 feet and the parcel to the east has a frontage of 59 feet. The Board stated there was no testimony to the contrary. The Board noted that without a site plan, it could not determine the esthetic impact to the neighboring properties, however prior to building a site plan must be provided and approved.*

D) Whether the variance would adversely affect the delivery of governmental services: *The applicant answered no. The Board stated there was no testimony to the contrary.*

E) Whether the property owner purchased the property with the knowledge of the zoning restriction: *The applicant answered no. The Board stated there was no testimony to the contrary.*

F) Whether the property owners' predicament feasibly can be obviated through some method other than a variance: *The applicant answered no; he is not able to build on the property without the variance. The Board agreed.*

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. The Board agreed.*

H) Such other criteria which relate to determining whether the zoning regulation is equitable: *The applicant answered that he is intending to improve the property in the future if the variance is approved. The Board stated Mr. Wheeler has invested money into the property by moving dirt to help with water issues, planting trees to replace those that were cut down, installing a pond and by building mounds in the front of the parcel. In addition, there is a 300 foot ravine in the back of the property restricting the available area for building and soil samples determined that the back part of the property is wet and not suitable for building a home.*

*Mr. Downing moved to approve Variance #507 as amended by the applicant, seconded by Mr. Boucek. In favor; Mr. Boucek, Mr. Downing, Mr. Gokorsch, Mr. Grassi, Ms. Moore. Motion approved.*

**MINUTES OF JANUARY 12, 2018:** *Ms. Moore moved to accept the minutes of the January 12, 2018 seconded by Mr. Boucek. Motion passed unanimously.*

**OTHER BUSINESS:** *Mr. Downing moved to reappoint Steve Gokorsch as Chairman, seconded by Mr. Boucek. Motion passed unanimously.*

*Mr. Boucek moved to reappoint Sarah Moore as Vice Chairman, seconded by Mr. Gokorsch. Motion passed unanimously.*

The Zoning Secretary stated the Zoning Inspector is unavailable for the next meeting and there may be a variance application being submitted. If not, the Board will keep the April 2, 2018 meeting date to approve minutes. If an application is submitted, the Board agreed to reschedule the meeting to April 9, 2018.

Being that there was no further business to come before the Board, Mr. Boucek moved to adjourn, seconded by Mr. Grassi. The meeting adjourned at 8:32 p.m.

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Jennell Dahlhausen  
Zoning Secretary

Date

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Steve Gokorsch  
Chairman

Date