

**Minutes: Russell Township Board of Zoning Appeals  
Russell Fire-Rescue Station  
April 9, 2018**

Present: Steve Gokorsch, Chair  
Dushan Bouchek  
Nick Grassi  
Sarah Moore

Absent: William Downing

Also in attendance: Shane Wrench, Zoning Inspector; Jennell Dahlhausen, Zoning Secretary; Rick Siegfried, Chuck Chudakoff, Rob & Marsha Zimmermann.

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

The audience members planning to give testimony were sworn in.

The applicant was informed that a full Board was not available and a tie vote would mean the request would be turned down. The Zoning Secretary was told they wanted to move forward due to time constraints.

**VARIANCE REQUEST #509:** Requesting a front yard variance of 22.6 feet in lieu of the 100 feet required in an R-3 Residential zoned district per Section 5.2(B) and a variance to build an accessory structure in a front yard, which is prohibited as stated in Section 4.7(V).

*Mr. Bouchek moved to open the public hearing for variance request #509, seconded by Ms. Grassi. Motion passed unanimously.*

Mr. Gokorsch asked Mr. Chudakoff, who was sworn in, if all of the statements in his variance application were truthful and he responded yes.

Mr. Siegfried, hired by the Chudakoff's for the design of the project, explained this 3.84 acre property has a significant drop in the rear, which restricts the placement of the garage in the back yard. There is currently a two car garage on the property but they have more drivers in the household and they would like to keep the additional cars out of the weather. The proposed location is not only in front of the primary residence, but also within the required front setback. The proposed siting would have the garage doors facing the existing garage.

The proposed garage will match the tutor style house and current garage. The height of the garage is 24 feet 10 inches and the height of the house is 32 feet 5 inches.

Mr. Bouchek asked if the applicant could put the garage behind the turnaround, which would put it within the required setbacks. Mr. Siegfried stated that he could but they would like to have privacy when the doors are open. Discussion was held on turning the garage 90 degrees or placing the garage parallel with the property lines, avoiding the need for a variance. Mr. Siegfried said that other locations were possible but they preferred this location facing the existing garages.

The Board asked the Zoning Inspector if it is typical for garages not to face the street in this neighborhood. The Zoning Inspector looked at the aerial view and said that most garages were turned slightly and did face the street.

Neighbor to the west, Robert Zimmermann, reviewed the plans and stated that he felt the addition would fit the essential character of the neighborhood. Mr. Zimmermann's concern was that the garage may be within the riparian area or effect the creek. The Zoning Inspector stated the proposed garage would not be within the riparian area.

Mr. Boucek asked if there were a lot of trees that would need removed for the construction. Mr. Siegfried stated there may be a few but they plan on replacing them on other areas of the property if they are taken down.

*Being that there was no further comment from the public, Mr. Boucek moved to close the public hearing for variance request #509, seconded by Mr. Grassi. Motion passed unanimously.*

*Ms. Moore moved to accept exhibit A1 – a photo facing the house from the southeast, exhibit A2 – location on an aerial view from where exhibit A1 was taken, exhibit B – photo of current driveway and garage, exhibit C – photo of the existing garage, 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: *The applicant answered the variance will yield a reasonable return to the value of the property. The addition of the proposed detached garage allows the property owner to meet their storage needs and adds value to the property. The Board stated testimony supported this statement.*

B) Whether the variance is substantial: *The applicant answered no, although a 22 foot and 7 inch variance represents 22.5% of the required 100 feet, the 504 square feet area of the structure that disturbs the setback area of 36,000 square feet only represents 1.4% of the lot coverage. The Board agreed.*

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: *The applicant answered no, the structure does not face any neighboring structures, but is in line with Music Street. The structure is screened by existing trees and sits above Music Street. The Board said that a neighbor, Mr. Zimmerman, stated the structure would not alter the essential character of the neighborhood. The Zoning Inspector also gave testimony that the structure conforms with other neighborhood structures, which don't face the road.*

D) Whether the variance would adversely affect the delivery of governmental services: *The applicant answered no. There was no testimony otherwise.*

E) Whether the property owner purchased the property with the knowledge of the zoning restriction: *The applicant answered no, although the property owner intended to add this structure, the 100 foot setback was not initially known.*

F) Whether the property owners’ predicament feasibly can be obviated through some method other than a variance: *The applicant stated the existing location of the house, the location of the existing drive, and a two car garage, dictate the location of the new structure. The Board stated there was testimony that the garage could be moved closer to the house or placed at an angle facing Music Street, which would keep it within the required setbacks and wouldn’t require a variance for the setbacks.*

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 zoning requirements, among other things, intend to protect not only the subject property, but also neighboring properties. This variance does not affect any neighboring property, but greatly helps the subject property maximize its value.*

H) Such other criteria which relate to determining whether the zoning regulation is equitable: *The applicant stated they seek to maximize the full potential of their property and its value. The variance allows them to maximize their property value with seemingly no negative impact to neighboring property values. The Board stated there are extensive ongoing renovations to the house. The tutor style of the addition and proposed garage are consistent. The house is on the corner of a lot so they have two front yard setbacks to maintain.*

*Mr. Downing moved to approve Variance #509 as submitted by the applicant, seconded by Mr. Boucek. In favor; Mr. Gokorsch, Mr. Grassi. Against; Mr. Boucek, Ms. Moore. Motion denied.*

**MINUTES OF MARCH 5, 2018:** Mr. Boucek asked to add the word apart at the end of page one and at the end of section C in the Findings of Facts. *Ms. Moore moved to accept the minutes of the March 5, 2018 as amended, seconded by Mr. Boucek. Motion passed unanimously.*

**FINDINGS OF FACTS:** *Ms. Moore moved to approve the Findings of Facts for variance request #507, seconded by Mr. Grassi. Motion passed unanimously.*

*Ms. Moore moved to approve the Findings of Facts for variance request #508, seconded by Mr. Grassi. Motion passed unanimously.*

**OTHER BUSINESS:** The Zoning Secretary informed the board that there is a variance continuance fee of \$75 that should be charged in the future if a variance hearing is continued. Mr. Gokorsch stated that he thinks the Board should have the discretion of waiving the fee if desired and the Board agreed. The Zoning Secretary will ask the Trustees if they would like to give that authority to the Board.

Being that there was no further business to come before the Board, Mr. Boucek moved to adjourn, seconded by Ms. Moore. The meeting adjourned at 7:53 p.m.

\_\_\_\_\_  
Jennell Dahlhausen                      Date  
Zoning Secretary

\_\_\_\_\_  
Steve Gokorsch                      Date  
Chairman