

Minutes: Russell Township Board of Zoning Appeals
Russell Township Hall
January 4, 2021

Present: Mr. Steve Gokorsch, Chairman
Mr. Dushan Boucek, Vice-Chairman
Mr. Bill Downing

Mr. Johns was absent with apologies.

Mr. Mark McGrievy was absent.

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

The meeting was called to order at 7:05 p.m.

The legal notice was published in the Chagrin Valley Times and Geauga Maple Leaf on November 10, 2020.

The certified letters announcing the meeting were mailed Monday, December 7, 2020.

All in attendance (2) were sworn in.

Postponed: Variance Request #533: Submitted by Mr. Dushan Boucek for property at 7880 Fairmount, parcel number 26-073700. The property is in an R-3 zoning district. The Applicant is seeking a variance from the Township Zoning to keep an existing shed located in front of his principal building. Per section 4.7(v): Accessory structures shall not be located in the front yard.

Mr. Downing made a motion to open the public hearing for Variance #533. Mr. Boucek seconded the motion and it passed unanimously.

Mr. Boucek, 7880 Fairmount Road, confirmed that he was sworn in.

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

Mr. Boucek accepted to postpone his meeting.

Variance Application #534: Submitted by Mr. Anthony Azzolina for property at 15700 Buckland Trail, parcel number 26-213964. The property is in an R-3 zoning district. The Applicant is seeking a variance to construct a 24'x 32' detached garage. The proposed structure would require a 6'5" variance from the side yard. Proposing 43'5", requirement of 50' – per section 5.2(b).

Mr. Gokorsch made a motion to open the public hearing for Variance #534. Mr. Downing seconded the motion and it passed unanimously.

Mr. Azzolina, 15700 Buckland Trail, confirmed that he was sworn in.

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

Mr. Azzolina declined to postpone his meeting.

Mr. Azzolina would like to have a 6'5" variance from the side yard, which would give a 43'5" from the 50' requirement. He states that when he purchased his home, the existing four car garage depth is short by 4 feet and he has a problem parking his vehicles inside and closing the garage doors and does not want to park his cars outside. This is the need for the new two car detached garage.

He had a survey done, which shows topographic difficulties, including a small stream running through the property. The survey shows the best placement for the new garage (Exhibit A) and putting 30 feet between the existing and new garages gives him enough room to back out his cars without difficulties.

The 24 feet depth of the new detached garage brings one corner into the 50 foot side lot buffer zone, which is the need for the 6'5" foot variance.

He noted that he is in a Homeowners' Association (HOA), which does not allow garage doors facing the street but they understand that the doors need to be turned toward the street for the best possible fit.

Mr. Azzolina also noted that materials that will be used will match the house identically.

Mr. Gokorsch asked Mr. Azzolina to show the stream he mentioned on the site plan (Exhibit A).

Mr. Azzolina stated and showed on the exhibit the stream on the southwest side of the property, which is the lowest point of the property.

Exhibit A (site plan drawing)

The zoning inspector stated that the riparian overlay is not identified on the auditor's site map.

Mr. Gokorsch said the riparians are showing across the street from Mr. Azzolina's property and noted the water is coming from somewhere.

Mr. Azzolina said the stream/water runoff only happens during a heavy rain; runs downward and crosses the road to the drainage ditch.

Mr. Boucek noted that the stream on the GIS map and the topography map match.

Mr. Gokorsch asked if the stream causes a problem on his property? **Mr. Azzolina said no.**

Mr. Boucek asked what is on the North side of the house. **Mr. Azzolina said that on the North side of the house are trees and grass.**

Mr. Boucek asked Mr. Azzolina to confirm the materials that will be used for the new garage? **Mr. Azzolina said that he is going to use the same materials to match the existing house; stucco with cedar trim.**

Mr. Boucek asked if there are any outbuildings on the back of the property? **Mr. Azzolina stated no, only a small garden and shed.** Mr. Boucek asked how wide is the shed? **Mr. Azzolina said 10 ' x 12' and the shed is not visible from the street.**

Mr. Gokorsch asked the zoning secretary if the certified letters were mailed for this meeting? **She stated the certified letters were mailed, Monday, December 29, 2020.**

Exhibits:

Mr. Gokorsch asked Mr. Azzolina to sign and date the exhibit.

Exhibit A (site plan drawing)

Mr. Downing made a motion to accept the applicants' exhibit into the record. Mr. Boucek seconded the motion and it passed unanimously.

Mr. Boucek made the motion to close the public hearing for request Variance #534. Mr. Downing seconded the motion and it passed unanimously.

The Board reviewed the Duncan Factors for Variance #532:

- 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. **Yes. Mr. Gokorsch stated the property will have a reasonable return without the new garage.**
- B) Whether the variance is substantial. **No. The variance is 13% from the 50' requirement.**

