

Minutes: Russell Township Board of Zoning Appeals
Russell Township Hall
December 6, 2021

Present: Mr. Steve Gokorsch - Chairman
Mr. Dushan Boucek, Vice-Chairman
Mr. Bill Downing
Mr. Mark McGrievy
Mr. Matt Rambo

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

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

The legal notice was published in the Chagrin Valley Times and Geauga Maple Leaf on Thursday, November 18, 2021.

The Certified Letters were mailed Tuesday, November 16, 2021.

Mr. McGrievy made the motion to open the public meeting, Mr. Gokorsch seconded the motion and it passed unanimously.

All in attendance (8) were sworn in.

Variance Application #543 – Submitted by Al Klauss of Paskevich & Associates Architects, 8260 Cloveridge Road, Parcel #26-042350, for Dr. Robert Kent (owner). The applicant is seeking to construct a 5 car garage, an in-law suite, a pool terrace with retaining wall, a hot tub with enclosure, a pool with a grotto, and a new driveway. Section 5.2 paragraph B in the R-5 Zone requires a front yard setback of 125 feet, a variance of 13 feet is requested. A side yard setback of 50 feet, a variance of 17 feet is requested. A rear yard setback of 100 feet, a variance of 28 feet is requested.

Mr. Al Klauss, 15240 Hook Hollow Road, confirmed that he was sworn in.

Mr. Klauss referenced Exhibit A1 showing the 5 acre zoning setbacks.

Mr. Boucek stated there were two Exhibit A1's and asked which one do you want to refer to? **Mr. Klauss said Exhibit A1, dated November 29, 2021.**

Mr. McGrievy asked Mr. Klauss for the November 29, 2021 clarification for Exhibit A1? **Mr. Klauss said Yes. That is correct, November 29, 2021.**

Mr. Klauss stated combining the two lots will make the lot 3.0264 acres in a R-5 zone. He is surprised they need to follow the R-5 zoning.

Mr. Gokorsch stated that the R-5 zone is the Russell Township requirement.

Mr. Klauss stated that there are two working wells and septic systems on the property, the previous home and Mr. Kent's home, and both septic systems are off lot.

Mr. Gokorsch stated that the Geauga County Health Department inspects the wells and septic systems.

Mr. Gokorsch asked if the two lots are legally one lot? **Mr. Klauss said Yes.**

Mr. Gokorsch asked how many total bedrooms between the home and the addition? **Dr. Kent answered seven bedrooms, one bedroom will be an office.**

Mr. Boucek stated if the room has a closet and door, the county will consider the room a bedroom. **Dr. Kent said he will go the Health Department to verify.**

Mr. Gokorsch verified the Exhibits submitted:

- Exhibit A1 – R-5 Zoning Setbacks
- Exhibit A2 - Square Footage Measurements
- Exhibit A3 - Second Floor
- Exhibit A4 – From Elevation, Height Requirements, Architecture
- Exhibit A5 - Rear of Home

Mr. Gokorsch asked about pool pump noise? **Mr. Klauss said they have not gotten to that point yet. Dr. Kent said the pool equipment will be indoors.**

Mr. Klauss entered Exhibit #2 from Google Map, showing the home that was removed and showing the superimposed addition to the existing home. It also shows the wooded lot which will be landscaped.

Mr. Gokorsch asked if this was from the Geauga Real Link? **Mr. Klauss said Yes.**

Mr. Klauss stated that a variance would not be needed if the lot was zoned R-3.

Mr. Gokorsch stated that it does not affect the board's decision. **Mr. Klauss said Yes. He was just putting it out there.**

Mr. Klauss submitted Exhibit #1 showing Dr. Kent's home and the homes on Cloveridge Road. He stated that it shows that Dr. Kent's home will not be out of character for the neighborhood.

Mr. Gokorsch said that the Exhibit #1 needs to show addresses to be submissible.

The Zoning Inspector stated that the aerial view of Cloveridge Road shows the current setbacks of the existing homes, which do not meet the current setbacks.

Mr. Gokorsch stated that looking at Exhibit #2 from Geauga Real Link, do some homes have similar setbacks? **Mr. Klauss said Yes, and some homes are even less than Dr. Kent's variance.**

Dr. Robert Kent, 8260 Cloveridge Road, confirmed he was sworn in.

Dr. Kent has lived in the area for 20 years with his wife and four children. His addition will include a mother-in-law suite. He stated his home is farther from the neighbors than the previous home and he needs the rear setback for a pool. He will use landscaping for noise. He does understand that the property is now zoned R-5 not R-3.

Mr. Gokorsch asked the zoning inspector if the 72 foot (100 feet required, needing a 28 foot variance) rear lot setback makes the home closer to the existing homes? **The zoning inspector said Yes. But the previous home was even closer.**

Mr. Gokorsch, asked the Zoning Inspector if the non-conforming new home would be less than the prior home. **Zoning Inspector said Yes.**

Mr. Boucek asked how long ago the two lots were consolidated? **Mr. Klauss and Dr. Kent said five months ago.**

Mr. Boucek asked around May? **Mr. Klauss said Yes.**

Mr. Boucek asked if the existing home is sitting on both properties. **Mr. Klauss said No.**

Mr. Gokorsch asked how many times the lot line has been modified? **Mr. Klauss said three times.**

Mr. Boucek asked the zoning inspector to verify the past permits/variances? **The zoning inspector said permits were granted in 2001, 2007 and 2017. Home was built in 1967. The consolidation of lots was granted February 1, 2017.**

Mr. Boucek asked if the existing shed will stay? **Mr. Klauss said Yes.**

Mr. Boucek stated that there will be a variance needed for the shed. **Mr. Klauss wondered if the shed is grandfathered in?**

Mr. Gokorsch asked if the 28 foot variance is for the basketball court? **Dr. Kent said No. The basketball court is no longer there, just the concrete pad.**

Mr. Gokorsch asked if only one driveway will be used? **Mr. Klauss said Yes. They are using the current gravel driveway.**

Mr. McGrievy asked if the pool will be fenced in? **Mr. Klauss said they have not gotten that far yet.**

Mr. Gokorsch asked if they were aware of the rules, using a fence or an auto cover for a pool? **Mr. Klauss said Yes.**

Mr. Downing verified the variances for Exhibit A1? **Mr. Klauss clarified that side yard setback shows 17 feet setback, but should be 14 feet.**

Mr. Gokorsch asked the total lot coverage overage? **Mr. Klauss stated that the lot coverage is over by .08 percent.**

Mr. Gokorsch asked the zoning inspector is a variance is required for this overage? **The zoning inspector said Yes.**

Mr. Gokorsch specified that there will now be 4 variances not 3 variances.

Mr. Klauss was not aware that a pool was included in calculating lot coverage.

Mr. Rambo asked if they included the basketball court in calculating the lot coverage. **Mr. Klauss said Yes.**

Comments from the Public:

Ms. Nora Wright, 8320 Cloveridge Road, confirmed she was sworn in.

Ms. Wright stated that she has lived on Cloveridge Road since 2000. Dr. Kent is a good neighbor and very supportive of the area and any addition will improve the property values and look of the area.

Ms. Kate Neros, 8313 Cloveridge Road, confirmed she was sworn in.

Ms. Neros lives across the street from Dr. Kent. It was her house that was torn down. She is for the addition 100%.

Mr. Gokorsch asked if it will add character to the neighborhood. **Ms. Neros said Yes.**

Mr. Kevin Shae, 8360 Cloveridge Road, confirmed he was sworn in.

Mr. Shae has lived in the area for 12-13 years. The addition will not detract from the neighborhood and will only help the neighborhood. They are good people.

Mr. Gokorsch stated that the shed is not part of this variance.

The zoning inspector will research the shed.

The current non-compliant shed will be addressed by the zoning inspector in the future.

Mr. Rambo stated that the shed does not impact the current variances.

Mr. Gokorsch asked the zoning inspector if the shed is not in compliance will they need a variance? **The zoning inspector Yes. They will need a variance.**

Mr. Rambo asked if the house was built before the zoning regulations?

Mr. Charlie Butters, River Glen Road, confirmed he was sworn in.

Mr. Butters asked if they would need to pay an extra fee of \$250 if they need to come back for the shed variance?

Mr. Gokorsch said No. There will be no extra fee.

Mr. Gokorsch asked Mr. Klauss to sign and date Exhibit #1 picture from Google Earth showing existing lots and houses in the surrounding areas, for the record.

Mr. Gokorsch asked Mr. Klauss to sign and date the second Exhibit A1 site plan, dated November 29, 2021, showing the side yard setback change from 17 feet to 14 feet, for the record.

Exhibit #1 (Google Earth Picture showing existing homes in the area)
Exhibit A1(dated November 29, 2021, correct setback change, 17 feet to 14 feet)

Mr. Downing made the motion to accept the applicants' Google Earth picture (Exhibit #1) and corrected site plan showing corrected side yard setback and the date of November 29, 2021 (Exhibit A1) into the record. Mr. McGrievy seconded the motion and it passed unanimously.

Mr. McGrievy made a motion to close the public hearing for the variance request #543. Mr. Boucek seconded the motion and it passed unanimously.

The board reviewed the Duncan Factors for Variance #543:

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.**

B) Whether the variance is substantial: **No. Front 125 feet – 10.4%. Side Yard 14 feet -28%. Rear Yard 28 feet – 28%. Total lot coverage over by .08%.**

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: **Testimony by neighbors.**

D) Whether the variance would adversely affect the delivery of governmental services: **No testimony given.**

E) Whether the property owner purchased the property with the knowledge of the zoning restriction: **No.**

F) Whether the property owners' predicament feasibly can be obviated through some method other than a variance: **No.**

G) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance: **Yes.**

H) Such other criteria which relate to determining whether the zoning regulation is equitable: **Zoning was changed after lots were configured.**

Mr. Boucek made the motion to approve Variance #543. Mr. Downing seconded the motion. Upon roll call the vote was Mr. Downing - yes, Mr. McGrievy - yes, Mr. Rambo - yes, Mr. Boucek - yes, Mr. Gokorsch - yes. The motion was approved.

Minutes:

Mr. Rambo made the motion to accept the minutes from the November 1, 2021 meeting. Mr. McGrievy seconded the motion and it passed unanimously.

Findings of Facts:

Mr. McGrievy made the motion to accept the Findings of Fact, amended, for Variance #542 from the November 1, 2021 meeting. Mr. Rambo seconded the motion and it passed unanimously.

Approval Letters:

Signed Approval Letter for Variance #542 – Butler Property

There being no other business, Mr. Rambo made a motion to adjourn. Mr. Gokorsch seconded and the meeting adjourned at 8:37 p.m.

Mrs. Cathleen Birli 7/11/22
Mrs. Cathleen Birli Date
Zoning Secretary

Steve Gokorsch 7/11/22
Mr. Steve Gokorsch Date
Chairman