

Minutes: Russell Township Board of Zoning Appeals  
Russell Fire-Rescue Station  
May 6, 2019

Present: Steve Gokorsch, Chairman  
Nick Grassi  
William Downing  
Dushan Boucek  
Sarah Moore, Vice-Chairman

Shane Wrench, Zoning Inspector, was absent with apologies.

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

**VARIANCE REQUEST #519:** Seeking variance requests for parcel #26-066400. Requesting relief from section 5.2(b) - the applicant is seeking a lot split, with one lot being under the 5 acre requirement. The applicant is also requesting relief for both parcels for road frontage.

*Ms. Moore made the motion to open the public hearing for variance request #519. Mr. Grassi seconded the motion and it passed unanimously.*

Paul Hummer 14580 Caves Road, confirmed that he was sworn in.

Peter Harding 2589 Mechanicsville Road, confirmed that he was sworn in.

Mr. Harding advised the board that he and the owner Mr. Hummer have talked with the Zoning Inspector about the lot split, and Mr. Hummer didn't anticipate splitting the lot when he purchased it.

Mr. Harding advised that there are 26 flag lots, and 22 landlocked parcels in Russell Township. The lot split that the property owner would like will make one of the parcels a flag lot. Mr. Harding said that the smaller parcel will be the same size as other parcels on Caves Road.

Mr. Boucek asked if there were two structures on the current parcel. Mr. Harding answered yes. There is a house that is rented and the other structure is a garage. Mr. Boucek asked if the garage was 50 feet from the property line, and Mr. Harding answered no, the garage is about 10 feet from the property line.

Mr. Boucek advised Mr. Harding that he needs 3 variances; area, side lot, and width. Mr. Harding said he didn't know he needed a width variance. Mr. Boucek asked the board if the nonconforming structure makes the current lot nonconforming. Mr. Gokorsch questioned taking one nonconforming lot and with this lot split creating two nonconforming lots.

Mr. Gokorsch asked Mr. Harding what the practical difficulty was with the parcel which would require this lot split, and gave the examples of practical difficulty such as: having ravines, the topography of the lot, a riparian setback on the lot. Mr. Harding said it was a financial difficulty. He stated that this is the area where they want to build a house. Mr. Boucek asked if Mr. Hummer will own both parcels if the lot is split, and if he may someday sell a parcel. Mr. Hummer answered yes he would own both parcels, and someday he might sell the property.

Ms. Moore asked why the lots couldn't be split so that the front lot was a conforming 5 acre lot. Mr. Harding said that it would interfere with his development plans for building a house on the back parcel. Mr. Harding advised the board that the spot that was picked for building the home is the flat area of the parcel, where there is no water or riparian area.

Joe Holiday who rents the home on the parcel in question, confirmed that he was sworn in.

Mr. Holiday said that the previous owner of the lot told him that the lot was once a larger rectangular area and that the property to the north had been subdivided earlier, and he was guessing about 20 - 30 years ago. This is why the current garage is so close to the property line. When the current home was built the home was in the center of the larger lot.

Ms. Moore asked for the Zoning Inspector to read 4.6(a) of the Zoning Resolution to see how he understands the section. She also would like to know how the Zoning Inspector interprets section 4.6(a) to apply to land use; example residential or commercial. Ms. Moore would like to know if section 7.5 was used by the previous board to split the lot 20-30 years ago, and what the history of the lot is; was it really split and when. Ms. Moore would like to know whether the condition placed on the parcel under section 9.19 of the Zoning Resolution and how it effects the parcel moving forward. The board would like the Zoning Inspector to get the previous lot split records for them to review, and see what the Zoning Resolution was at the date of the split regarding side yard setbacks.

Eileen Fisco 14451 Hunting Hills, was sworn in at 7:38 pm.

Ms. Fisco owns the property that borders the back of the parcel in question. She is in support of the lot split, and would like for a good neighbor (the rented home) to keep his home. Mr. Gokorsch asked Ms. Fisco if she thought granting the lot split would affect the character of the neighborhood, and she thinks it will impact the neighborhood positively.

Mr. Boucek asked Mr. Harding if the home that will be built will be in line with other homes in the area due to the fact that the home looks large on the site plan. Mr. Harding answered yes the home will be a one story 6,000 square foot home similar to other homes in the area.

John Wagner 13391 Fox Hallow, was sworn in at 7:43 pm.

Mr. Wagner asked if there was a lot of vegetation on the lot, and if it was fully wooded. He also asked if the variance is granted how much would be cleared out to build the new home. Mr. Harding answered less than 5% would be cleared.

Mr. Downing asked the applicant if he would like to amend his variance application to add the additional variances that are required, the applicant answered yes.

The board would like to know when the 50 foot side yard setback was adopted into the Zoning Resolution. The board advised Mr. Hummer that he could make the smaller lot a 5 acre lot, and then he would only need a width and frontage variance.

The board recommended continuing the variance request so that the board can ask the Zoning Inspector for clarity and review the requested information.

*Mr. Downing made the motion to accept applicant exhibit #1 for variance request #519. Ms. Moore seconded the motion and it passed unanimously.*

*Ms. Moore made the motion to hold the hearing in adduce pending a continuance. Mr. Grassi seconded the motion and it passed unanimously.*

The board would like the file on the original lot split at the meeting for the continuance on variance request #519.

**MINUTES OF APRIL 1, 2019** – Ms. Moore made the motion to approve the minutes as presented. Mr. Grassi seconded the motion and it passed. Roll call vote was as follows: Mr. Gokorsch - Yes, Ms. Moore - Yes, Mr. Bouchek - Yes, Mr. Downing - abstain, Mr. Grassi - Yes.

The applicant requested to have a special meeting before the next regular scheduled Board of Zoning Appeals meeting, due to keeping the process moving and not having to wait a month to come before the board. The board members said they would look over schedules and give the zoning secretary dates they would be available and then discuss a possible special meeting.

**COMMENTS FROM THE PUBLIC WERE RECIEVED.**

There being no other business, Mr. Downing made a motion to adjourn. Ms. Moore seconded and the meeting adjourned at 8:00 p.m.

Respectfully submitted,

\_\_\_\_\_  
Karen Walder, appointed to serve as Secretary of the Board of Zoning Appeals **Date**

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

Recorded by: J. Dorka