

**Minutes: Russell Township Board of Zoning Appeals
Russell Fire-Rescue Station
January 9, 2017**

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

Also in attendance: Shane Wrench, Zoning Inspector; Jennell Dahlhausen, Zoning Secretary; Edward Meyers; John & Laura Crowley.

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

Mr. Downing moved to reappoint Steve Gokorsch as Chairman, seconded by Mr. Boucek. In favor; Mr. Boucek, Mr. Downing, Mr. Grassi, Mr. Gokorsch, Ms. Moore. Motion passed.

Mr. Downing moved to reappoint Sarah Moore as Vice Chairman, seconded by Mr. Boucek. In favor; Mr. Boucek, Mr. Downing, Mr. Grassi, Mr. Gokorsch, Ms. Moore. Motion passed.

The Zoning Secretary stated the Public Hearing was published in the Chagrin Valley Times.

VARIANCE REQUEST #499: Requesting a 244.15 feet lot frontage, 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 #499, seconded by Mr. Downing. Motion passed unanimously.

The audience members were sworn in.

Mr. Edward Meyers provided a Power of Attorney to speak on behalf of the Gallo's, who are requesting the variance. He provided a map with his application indicating 4 lots as A, B, C and D. All four lots are owned by Gallo Family Limited Partnership. They are requesting the variance for lot A (parcel 26-183600) and plan to consolidate lot B with A in the future. Lot A is 33.23 acres and lot B is 16 acres. If they don't consolidate lots A and B, then they would consolidate lot B with C since lot B is land locked.

Mr. Meyers stated the Gallo's would like to sell all of the lots as estate lots and would like to avoid having the lots developed into a subdivision. He feels granting a variance would not change the essential character of the neighborhood since four of the five lots in this area running west to east also have frontage under the 300 feet requirement. Mr. Meyers referred to a lot in front of the Gallo property (owned by Burger), which only has 291 feet of frontage.

Mr. Gokorsch asked Mr. Meyers if he can guarantee that the lots won't be developed as a subdivision if the variance is approved. Mr. Meyers responded that he can't guarantee this since the lots are available for sale to the public.

Mr. Gokorsch asked the Zoning Inspector to verify there are other lots in the area that don't have 300 feet frontage. The Zoning Inspector stated this statement is true and that he agrees granting the variance wouldn't change the character of the neighborhood.

Mr. Meyers stated that he feels large lots are desirable to build on today. There were six contiguous lots purchased by someone on Cypress Pond Lane recently, which is close to the Gallo property.

The Board asked the Crowley's, the neighbors to the west of the Gallo property, if they feel that granting this variance would impact the character of the neighborhood. They stated that they would like to see the lots sold as estate lots as opposed to a subdivision. If sold as estate lots, they feel this wouldn't change the character of the neighborhood.

Being that there was no further comment from the public, Mr. Boucek moved to close the public hearing for variance request #499, seconded by Mr. Downing. 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 lot A as presently configured is not entitled to a zoning certificate without a variance and will not yield a reasonable return unless included as part of a large multi lot subdivision. The Board agrees.

B) Whether the variance is substantial: The applicant answered the variance request of 55.85 feet represents a 19% reduction from the required 300 feet and is not substantial. The Board agrees and added that some surrounding properties are also less than 300 feet.

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 frontage lots along this stretch of Music Street all support single family residences. The Board added there are four of five lots in this area running west to east that also have frontage under the 300 feet requirement. The Zoning Inspector stated that Hayes does have the proper frontage required, but Burger's property does not. These are two properties in front of the Gallo properties. The adjoining neighbor stated they do not feel granting the variance would impact the character of the neighborhood.

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

E) Whether the property owner purchased the property with the knowledge of the zoning restriction: The applicant answered the owner was not aware of the frontage restriction. The Board added there is no indication otherwise.

F) Whether the property owners' predicament feasibly can be obviated through some method other than a variance: The applicant answered not unless the property owner creates a multi parcel subdivision with an entrance off parcel C and/or D. The Board added no, unless combined with another property.

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 variance requested is not

