

Minutes: Russell Township Board of Zoning Appeals
Russell Fire-Rescue Station
December 7, 2015

Present: Steve Gokorsch, Chairman
Sarah Moore
William Downing
John Rybak
Dushan Bouchek

Also in attendance: Diana Steffen, Zoning Inspector.

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

The legal notice was published in the Chagrin Valley Times on November 26, 2015. The certified letters for the meeting were mailed on November 20, 2015.

VARIANCE REQUEST #488: Request for a north side yard setback of 20 feet for a sun porch addition in lieu of 30 feet required in an R-5 zone per section 5.3.B.

Mr. Bouchek made the motion to open the public hearing for variance request #488. Ms. Moore seconded the motion and it passed.

Nick LaRich, 14749 Hitching Post Lane, confirmed that he was sworn in.
Jayne LaRich, 14749 Hitching Post Lane, confirmed that she was sworn in.

Mr. LaRich explained that he would like to add an addition onto the home, but he needs a variance for a side yard setback on the north side of the home where the enclosed porch will be added on. The north side of the property is wooded and at the back of the neighboring homes property. There would be no visible expansion from the neighbor's view, and Mr. LaRich indicated that they picked the side of the home for the sun porch for architectural and visual standpoints. Another reason for the sun porch to be on the side of the home, rather than behind it, are two entranceways to the house from the back porch. The applicant said he was looking for a 10 foot variance and would still be 15 feet from the property line. Mrs. Steffen said that the porch should be 20 feet from the property line in lieu of 30 feet. The neighbor was not present to provide testimony.

Mr. Gokorsch asked the applicant if there were any other homes in the neighborhood with similar porches. The applicant replied yes there are other homes in the area with side sun porches. Mrs. Steffen said that those homes are in the Hemlock Hills development and not in the same area as the applicant's home; there are no homes in the applicant's neighborhood with side enclosed porch. Mr. Downing asked if the home is a two story home. The applicant answered, yes the home is two stories. Mr. Bouchek asked if there is going to be a walk out from the master bedroom onto the top of the enclosed porch or a window overlooking the porch from the master bedroom. Mr. LaRich said that there will not be a second floor walk out, and there will be no windows overlooking the porch. Mr. LaRich said that from the front of the home the roof of the enclosed porch will be decorated and won't just look like a flat roof.

Ms. Moore asked what the age of the deck in the back of the home was. Mr. LaRich said that the deck was 10 years old. Mr. Bouchek asked if the applicant considered removing the deck and adding the enclosed porch to the back of the home. Mr. LaRich said that they do not want to remove the deck, and there are two entranceways from the deck into the house, and either the porch can be put on the side of the home or not at all. Mr. Downing asked Mrs. Steffen the distance to the next home from where the proposed porch is. Mrs. Steffen said that the next home was on a corner lot. She estimated the distance to be at least 120 feet from the south side of the home to the north side of the affected lot, and the area being all wooded. Ms. Moore asked if the neighboring home was in an R-5 zone. Mrs. Steffen replied, yes, all the homes in the area are in an R-5 zone.

Mr. Rybak made the motion to accept the applicant's exhibit #1 showing the back deck and the side lot. Mrs. Moore seconded the motion and it 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: **Yes. The porch will add substantial value to the property per the application.**

B) Whether the variance is substantial: **No. The variance be asked is 33%.**

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: **No. This will enhance the property and there was testimony that there was a wooded area between the applicant's home and the neighboring home.**

D) Whether the variance would adversely affect the delivery of governmental services: **No. Not in this case and there was no testimony to contrary.**

E) Whether the property owner purchased the property with the knowledge of the zoning restriction: **Yes. The applicant answered yes.**

F) Whether the property owners' predicament feasibly can be obviated through some method other than a variance: **No. The applicant answered no. There is a deck in back and the applicant will not move ahead with the project if the porch has to be in back of the home, and by having the porch in the back would also decrease the natural lighting in the home.**

G) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance: **Yes. There was no testimony to contrary.**

H) Such other criteria which relate to determining whether the zoning regulation is equitable: **145 feet home per the Zoning Inspector and the area between the addition and the nearest home is heavily wooded.**

Mr. Rybak moved to approve variance request #488 as submitted by the applicant. Mr. Boucek seconded. Upon roll call the vote was Mr. Downing – Yes, Mr. Rybak – Yes, Mr. Boucek – Yes, Mr. Gokorsch – Yes. The motion passed.

VARIANCE REQUEST #489: Request for a side yard setback of 8 feet in lieu of 30 feet, and rear yard setback of 16 feet in lieu of 25 feet, to construct an accessory building.

Mike Cloonan, 7641 Blackford Drive, confirmed that he was sworn in.

Julie Cloonan, 7641 Blackford Drive, confirmed that she was sworn in.

Mr. Cloonan would like to place a tool shed in the back of the property and needs a variance for the western property line and the back property line. The home is a 1950's California style ranch with a car port; there is no garage. The shed would be for the snow blower, lawnmower and other items to be stored undercover and out of sight to the neighbors. Mr. Cloonan said that since his home is on a corner lot he is considered to have two front yards. There is a patio behind the home, and a fence along the east property line. There is also a row of hemlock trees along the back of the property.

Mr. Gokorsch said that since the property is a corner lot that there can't be a building in front of the home on Hemlock or Blackford drive. Mrs. Steffen agreed yes that there can't be a building on Hemlock or Blackford, and the applicant needs a variance anywhere the shed would be placed.

Mr. Downing asked about the property behind the home. Mrs. Steffen said that there was a vacant lot behind Mr. Coonans property and she was unsure of the owner of the property. Mr. Cloonan said that there is a pin on the south east corner of the fence along the property line.

David Domoracki, 76575 Blackford Drive, was sworn in.

