

Minutes: Russell Township Board of Zoning Appeals
Russell Fire-Rescue Station
September 9, 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.

HACKAMORE WOODS HOMEOWNERS ASSOCIATION: Kevin O'Connor, 8325 Corral Circle, confirmed he was sworn in and discussed the Declaration of Covenants for the Hackamore Homeowners Association. Mr. O'Connor said that 75% of the homeowners have signed off on the new declaration, and he is requesting approval of the updated Declaration from the Board of Zoning Appeals.

Mr. Gokorsch said he read the old and the new versions of the declaration and asked why there was more detail about the dues and payment. Mr. O'Connor said that the state statute was rewritten and the new updated version is based off of the new state statute.

Mr. Gokorsch discussed that sub lot 21 with the fire pond was to have an access road to the pond for the fire department to use, and asked if there was still access to this pond. Mr. O'Connor said that there was a chain across the entrance to the road that goes to the pond. Mr. Gokorsch expressed his concern about this, due to the road being blocked the fire trucks can't have access to the pond to fill the fire trucks, and this is now a safety issue. Mr. O'Connor stated that he would like the road to be reopened so that the residents could use the pond, but the homeowner whose property the road is on put the chain across the entrance. Mr. Gokorsch spoke to the Fire Chief and they came up with the idea of installing a stand pipe in the cul-de-sac and a pipe that runs under ground to the pond, so the water can be pumped from the pond to the fire trucks without the truck having to go down the chained off road to the pond. This would fix the safety issue and would cut down on snow plowing since the road wouldn't need to be used, the fire trucks wouldn't have to drive as far. Mr. Gokorsch said the Fire Chief would be willing to split the cost of installing the pipe 50/50 with the homeowners association.

Mr. O'Connor said that the homeowners association has nothing to do with the property owner blocking the road, and will have to talk with the association about paying half of this cost. Mr. Gokorsch stated that the common land is under the control of the homeowners association so they have control over the road leading to the pond. Mr. O'Connor suggested that the solution might be to reopen the road, and will discuss with the homeowners association.

Mr. Downing pointed out that the new declaration was missing section 6.5A of the Zoning Resolution and there needs to be mention of this in the updated declaration. Mr. O'Connor is taking the declaration back to the homeowners association to have 6.5A addressed in the updated declaration, and have the safety issue addressed.

VARIANCE REQUEST #481: Request for a side yard setback of 30 feet for an extension to existing detached garage in lieu of 50 feet required in an R-3 zone per section 5.2B.

George Clemens, 102 Spring Valley Drive, confirmed that he was sworn in. Mr. Clemens is the architect working on the plans for the Wenger family.

Ms. Moore made the motion to open the public hearing. Mr. Downing seconded the motion and it passed.

Anna Wenger, 8925 Galloway Trail, confirmed that she was sworn in. Mrs. Wenger told the board that she planned on putting an extension on the existing detached garage. The corner of the current detached garage is 30 feet from the property line, and the plan for the addition will be have a bend to it so that the addition will not be any further than 30 feet to the property line. Mrs. Wenger showed the board where the septic tanks and leach field are on a map with the proposed addition. Mr. Clemens explained that there is going to be some unfinished attic space above the addition. Mr. Clemens didn't know of another way to add on to the current garage that wouldn't put the addition closer to the property line.

Mr. Rybak asked why there was a second story shown on the blueprint drawing. Mr. Clemens responded to the question by saying there was to be some unfinished attic space for storage, and eventually maybe a rec-room or "man cave" area.

Mrs. Steffen informed the board that there was no variance for the current detached garage where the corner sits only 30 feet from the property line. The original plans showed the garage at 52 feet from the property line, but the plans were changed and the garage is only 30 feet away from the line. Mrs. Steffen has a note in the property file that says the previous owner thought the land was only 2.99 acres and the property is really 3.0034 acres. She doesn't believe that the 30 feet is legal now, and there is also no record of a permit for the plumbing that is in the current detached garage. Mrs. Wenger told the board that the bathroom in that garage is only used for the pool house since there is no bathroom in the pool house. Mrs. Steffen informed the board that there is no permit for the pool or the pool house.

Kathleen Blazar, 8891 Galloway Trail, confirmed that she was sworn in. Mrs. Blazar is the neighbor of the Wenger family. She said that the previous owner had the property surveyed and told her that they had a variance for the 30 foot setback. Mrs. Blazar said there was a 6" pipe that comes out of the back of the current garage and points directly to her property. She said this causes her yard to floor when it rains. She also is concerned about having more lights next door; she says that currently there are so many lights that it is blinding them at night. Mrs. Steffen advised Mrs. Blazar that there was a 50 foot setback at the time the garage was built and there is no record of a variance for the change in setback. Mr. Blazar said she doesn't want any structures or driveway any closer to her property. Mrs. Steffen advised her that there are no regulations on driveways. Mrs. Blazar is concerned about more drainage runoff since the current runoff is flooding here yard.

Mr. Clemens agreed with Mrs. Blazar. He said now is the time to correct the drainage issue while the addition is being put on. Mrs. Wenger agreed. She said they were not aware of the problem when they purchased the house and want to be good neighbors and will look into solutions to this problem so it can be corrected. Mr. Gokorsch reviewed Mrs. Blazar's concerns to make sure the board understood them. The issues are lighting, traffic, drainage, and no structures any closer to her property line.

Ms. Moore asked Mrs. Wenger the purpose of the addition. Mrs. Wenger replied it is for more car storage. The board asked if there was any other space to put the garage. Mr. Clemens informed the board that they couldn't put the addition in front of the house because the house setback was barely met and that would take away from the street appeal of the house. The board asked why the addition can't be added to the attached two car garage. Mrs. Steffen advised the board that there wasn't enough room between the attached and detached garages to put the addition on the attached garage, and that space between were already developed.

Mr. Gokorsch asked Mr. Clemens and Mrs. Wenger for new plans that show screening for the lights, screening for the addition, and proper drainage off the addition.

Mr. Rybak asked if plumbing permits could be acquired for the plumbing in the detached garage. Mr. Gokorsch said that is an issue with the health department and not something the board could handle. Mr. Gokorsch requested new plans before the board votes on the variance.

Mrs. Moore made the motion to hold the request for the variance and accept the exhibits in advance. Mr. Boucek seconded the motion and it passed.

VARIANCE REQUEST #482: Request for a side yard setback of 23 feet for an attached garage and breezeway in lieu of 30 feet required in an R-5 zone and pre-existing lot of record under 3 acres per section 5.2B.

Tony Angie, 8421 Chagrin Mills Road, he was sworn in.
Michelle Angie, 8421 Chagrin Mills Road, she was sworn in.

Mr. Angie stated that he was looking to build a garage/storage area. He would like the structure to look like the existing garage, and he would like to add a 15 foot breezeway between the existing garage and the new structure. Mr. Angie explained that his house was built on an angle, and a corner of the garage is just over 30 feet from the property line, and the other corner is well within the zoning limits. Mr. Angie shows the board that the well is in the area the breezeway will be, and having the breezeway he will be able to better maintain the well. He also showed the board that the septic is in the front of the house.

Mr. Gokorsch asked Mr. Angie if he could build the structure in line with the garage instead of setting it back. Mr. Angie said he was extending the current lines, and if he moved the plans forward it would cut off access to the back yard.

Mr. Boucek asked Mr. Angie where the driveway was going. Mr. Angie said the driveway isn't changing the structure is for the storage of bikes, tractor, rototiller, etc. Mr. Downing suggested that since the building will be for storing equipment that they should make it smaller. Mr. Angie said he would like the building to look like the current garage. Mr. Angie thought about attaching the new building to the garage but there is not enough room to maintain the well. Mrs. Steffen said that the well was 10 feet from the current garage. Mr. Angie said he couldn't put the new building in front of the house due to the deed restriction in Hemlock Hills, leaving no other options of placement for the new building.

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. However this enhances the property by allowing more storage space for items not currently housed indoors.
- b) Whether the variance is substantial: No. 7 feet was not deemed substantial. This is a 1.6 acre lot, there is a deed restriction for building in front of the house, and an existing well.
- 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. No neighbor testimony.
- d) Whether the variance would adversely affect the delivery of governmental services: No. No testimony was provided.
- e) Whether the property owner purchased the property with the knowledge of the zoning restriction: No. Owner provided testimony and didn't know of zoning restrictions.
- f) Whether the property owner's predicament feasibly can be obviated through some method other than a

