

Minutes: Russell Township Board of Zoning Appeals  
Russell Fire-Rescue Station  
Monday, March 3, 2014

Present: Steve Gokorsch, Chairman  
Fred Cuffari  
John Rybak  
Sarah Moore  
Diana Steffen, Secretary

William Downing was absent with apologies.

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

### **LAUREL SCHOOL CONDITIONAL USE #380 – Annual Review of Environmental Management Plan**

In attendance for Laurel School were Mary Ann Pellerano – Director of Facilities, and Matt Stanich – Butler Campus Manager, and Kathy Jankowski of Knight & Stolar, Inc.

Ms. Jankowski stated that she submitted the 2013 report of the Environmental Management Plan to the Township and to its consultants, the Chagrin River Watershed Partners, on February 5<sup>th</sup>. Christina Znidarsic of C.R.W.P. reviewed the report and suggested two clarifications in the language regarding a procedure for weeds and for application of fertilizers. Ms. Jankowski said she agreed with the suggestions, and resubmitted a revised E.M.P. incorporating the changes on February 21<sup>st</sup>. She said that C.R.W.P. commended the Butler Campus staff for doing an excellent job in managing the property in accordance with the E.M.P. and for keeping complete records with daily logs.

One recommendation from Ms. Znidarsic was to restrict the application of fertilizers to when there is a less than 50% chance of over 0.5 inches of rain within 48 hours after the application, rather than the current plan of 0.25 inches forecast. Sometimes in mid-summer it is necessary to irrigate the fields prior to application since some moisture is required for certain products to be effective.

Mr. Gokorsch asked about the recommended procedure for invasive species. This suggests chemically treating phragmites two weeks prior to mowing in order to prevent the mowing from stimulating growth. Mr. Stanich said this has not been a problem. Mr. Rybak noted that a Spill Incident Form was included in the E.M.P. and asked if it has been used yet. Mr. Stanich replied that it has not since they only handle small quantities of chemicals and have had no spills. Mr. Cuffari asked if the school is satisfied with the results achieved by its maintenance procedures. Mr. Stanich said it is but they constantly look for ways to improve, and he talks to suppliers regarding new chemicals. The most difficult factor is rain. Ms. Jankowski explained that the pond tests are usually consistent with the only change being more suspended solids after rain. Ms. Pellerano said they rotate the fields in order to rest them periodically.

*Mr. Cuffari made the motion to accept the annual Environmental Management Plan submitted by Laurel School as submitted and revised by recommendation from the Chagrin River Watershed Partners, Ms. Moore seconded and the motion passed unanimously.*

### **VARIANCE REQUEST #471 Gregory G. Powers, 14180 Watt Road**

Request to construct a detached garage with a 24-foot side yard setback in lieu of 50 feet required per Section 5.2.B in an R-3 zone.

In attendance were Gregory Powers and his fiancée Sue Ruff.

Mrs. Steffen confirmed that the notice of public hearing was published in the Chagrin Valley Times on 2/20/14, and she mailed it by certified mail to the applicant and neighbors on 02/14/14.

*Mr. Cuffari made the motion to open the public hearing for Variance Request #471, Mr. Rybak seconded and the motion passed unanimously.*

The Chairman swore in Mr. Powers, Ms. Ruff, and neighbors Mr. & Mrs. Carson. Mr. Gokorsch advised the applicant that one member of the board was absent resulting in four out of five members being in attendance. A majority of the board being required to vote affirmatively to grant a variance, he gave the applicant the opportunity to postpone the hearing until the full board was in attendance. Mr. Powers responded that he wished to continue with the hearing tonight.

Mr. Powers stated that he would like to construct a detached garage to house three vehicles which are currently not sheltered in any way, and feels he has a right to have them in a garage. The proposed location is the most ideal place to build it. He contracted with Morton Builders in such a way that they will refund his deposit if the variance is not granted. If the garage is located anywhere else it will be farther to walk from the house. Ms. Ruff stated that part of the property is wooded, part is trees and a garden. Asked by Ms. Moore if it would be possible to locate the garage in an area behind the existing accessory buildings, Mr. Powers said no because a former outhouse used to be there although it has now been removed. In the small building next to the barn he had found an old well cap and some foundation stones. Rosemary Carson, 14162 Watt Road, the adjacent neighbor to the north, commented that her parents lived on the subject property many years ago and there used to be a chicken coop in that location.

Mrs. Carson stated that she and her husband were opposed to the proposed location being so close to the side lot line, and were opposed to having three buildings in a row. She said there was plenty of land farther back on the property to build a garage. She said she knows there is enough room as there used to be several buildings in that area of the lot.

Mr. Gokorsch asked the applicant if he wanted to comment on the topography of the lot but Mr. Powers did not have anything to mention. Mr. Cuffari asked about the placement of the garage, and Mr. Powers explained that he needs an appropriate turning radius for the vehicles since the doors will face the house. He said that there would not be sufficient room for the turning radius if the garage was located closer to the house. Ms. Moore asked why the garage could not be located directly behind the house, but Mr. Powers explained that it would block the view of woods from the house, plus there are apple trees and the land is higher. The land is higher there than the area around the existing barn. Mr. Cuffari commented that a topographical map shows the area due west of the barn to be six feet higher than the level of the barn. Mr. Carson commented that the land is not six feet higher from the edge of the driveway, but only three or four steps and level with the house. He said that his home has a side door facing the area of the proposed garage, and the garage would block their view entirely as they would only see the garage. He said they have lived in their home for 52 years.

In her role as Assistant Zoning Inspector, Mrs. Steffen noted that there is a garage next door to the south that is in line with the residence but both are set farther back than the applicant's residence. The applicant's residence is about 62 feet from the road and was built in 1920 when it was common to build close to the road, whereas most of the houses on the road are 85 to 100 feet from the right-of-way. She noted that in the neighborhood on Watt Road there are two accessory buildings approximately 65 feet from the right-of-way, one being agricultural and the other being small at about 400 square feet. Large accessory buildings are located behind the residences in the rear yards of the properties.

There being no further comments from the applicant or the audience, *Mr. Cuffari made the motion to close the public hearing, Mr. Rybak seconded and the 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: In his application the applicant indicated the property would yield a reasonable return, and he did not present any testimony tonight to indicate otherwise.
- b) Whether the variance is substantial: The applicant acknowledged it is substantial in his application. The board agreed that a 26-foot variance on a 50-foot requirement is slightly in excess of 50%, which is substantial.

