

Minutes: Russell Township Board of Zoning Appeals
Russell Township Hall
December 14, 2020

Present: Mr. Steve Gokorsch, Chairman
Mr. Dushan Boucek, Vice-Chairman
Mr. Mark McGrievy
Mr. Bill Downing

Mr. Johns was absent with apologies.

Also in attendance: Mr. Shane Wrench, Zoning Inspector; Mrs. Cathleen Birli, Zoning Secretary

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

All in attendance who wanted to testify (3) were sworn in.

The legal notice was published in the Chagrin Valley Times and Geauga Maple Leaf on November 10, 2020.

The certified letters announcing the meeting were mailed Monday, December 7, 2020.

Variance Request #532: Submitted by Mr. James Shoff, parcel number 26-097850, 15051 Russell Road. This property is located within the R-5 district. Applicant is requesting a variance to split a parcel and have it consolidated into his parcel. This would bring one property further from compliance, it would make another property more compliant.

Mr. Gokorsch made a motion to open the public hearing for Variance #532. Mr. Downing seconded the motion and it passed unanimously.

Mr. James Shoff, 15051 Russell Road, confirmed that he was sworn in,

Mr. Shoff submitted site plan (exhibit A), showing the acreage(s) circled; the red lines showing Mr. Miller's property and the green lines showing Mr. Shoff's property.

Mr. Gokorsch asked the zoning inspector to verify the right of way and driveway easements on the site plan.

The zoning inspector said that all these properties in question are located within the R-5 district but they do not meet the current five-acre requirement. It was noted that all property boundaries pre-date the 5A requirement.

Mr. Boucek asked for clarification to verify; the Moir property will now have 2.8896 acres; the Miller property will now have 3.6464 acres and the Shoff property will now have 3.5836. The board and applicant were in agreement.

Mr. Boucek also clarified that the driveway is not owned and split across two separate parcels.
Mr. Shoff said that the driveway owned by him was part of the original easement.

Mr. Lee Miller, 15071 Russell Road, confirmed he was sworn in.

Mr. Miller stated he does have a concern over the driveway easement.

Mr. Gokorsch asked the zoning inspector to check the record on the easement.

There were no comments from the public.

Exhibits:

Mr. Gokorsch asked Mr. Shoff and Mr. Miller to sign and date the exhibit.

Exhibit A (site plan drawing from Schwartz Land Surveying)

Mr. Downing made a motion to accept the applicants' exhibit into the record. Mr. Boucheck seconded the motion and it passed unanimously.

Mr. Boucheck made the motion to close the public hearing for request Variance #532. Mr. Downing seconded the motion and it passed unanimously.

The Board reviewed the Duncan Factors for Variance #532:

- 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. Mr. Gokorsch stated the properties are already being occupied.**
- B) Whether the variance is substantial. **Yes. Mr. Boucheck stated it was however both properties pre-date the 5A requirement.**
- 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. Mr. Gokorsch stated the properties will remain the same and there will be no change to the neighborhood.**
- D) Whether the variance would adversely affect the delivery of governmental services. **No. No other testimony given. There are no changes to access.**
- E) Whether the property owner purchased the property with the knowledge of the zoning restriction. **Yes. As noted in the variance application.**
- F) Whether the property owner's predicament feasibly can be obviated through some method other than a variance. **No.**

G) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. **Yes.**

H) Such other criteria which relate to determining whether the zoning regulation is equitable. **Mr. Gokorsch noted that all properties are less than five acres and were grandfathered in before the 5A lot minimums were enacted.**

Mr. Boucek made the motion to approve Variance #532. Mr. Downing seconded the motion. Upon roll call the vote was Mr. Boucek – Yes, Mr. McGrievy – Yes, Mr. Downing- Yes, Mr. Gokorsch, Yes. The motion was approved.

Other Business:

Mr. Boucek made the motion to accept the Findings of Fact from the November 9, 2020 meeting. Mr. Downing seconded the motion and it passed unanimously.

Mr. Boucek made the motion to accept the Minutes from the November 9, 2020 meeting. Mr. McGrievy seconded the motion and it passed unanimously.

Mr. Gokorsch discussed the acoustics in the Town Hall and asked if sound proofing panels or carpeting can be installed to absorb some of the sound. The zoning inspector will ask the trustees.

There will be no holiday lunch due to the coronavirus.

The board scheduled the next appeals meeting for Monday, January 4, 2021.

There be no other business, Mr. McGrievy made a motion to adjourn. Mr. Downing seconded and the meeting adjourned at 7:45 p.m.

Mr. Cathleen Birli Date

Mr. Steve Gokorsch Date