



Russell Township Board of Zoning Appeals

FINDINGS OF FACT

VARIANCE REQUEST #551

Applicant: Anthony Fantozzi

Applicant's Address: 13507 Caves Road, Russell, OH 44022

Parcels Covered by Requests:

<u>Parcel Number</u>	<u>Address</u>	<u>Current Owner</u>	<u>Nexus Between Applicant and Parcel</u>
26-214238	8415 Hideaway Trail	Anthony Fantozzi	Property Owner

I. The Record

The Board of Zoning Appeals held a *Public Hearing* on: **April 3, 2023**.

Mr. Gokorsch advised the Applicant that there was a four-member board, and that the Variance Request approval requires the majority vote, three members, of the board. He gave Mr. Fantozzi the chance to postpone the meeting until there could be a full board. Mr. Fantozzi declined to postpone the meeting.

The Board of Zoning Appeals considered *testimony* from the following individuals who confirmed they were sworn in:

- Anthony Fantozzi ⁵⁰⁶ 13507 Caves Road, Russell, OH. Property owner.
- Ed Bennardo, 8330 Belle Vernon, Russell, OH. Neighbor.
- Andrew Zup, 8360 Belle Vernon, Russell, OH. Neighbor.
- Nanette Ronis, 13617 Fox Den, East, Russell, OH. Neighbor.
- Robert Marano, 8380 Belle Vernon, Russell, OH. Neighbor.
- Ken Johnson, 8410 Belle Vernon, Russell, OH. Neighbor.

The Board of Zoning Appeals also considered all *exhibits* admitted into the record by applicant and introduced during the hearing.

Variance Request #551

The Applicant is seeking to build a new home. Given the layout of the property and the required placement of the septic fields, the Applicant is requesting a side yard setback of 25' in lieu of the required 50', and a rear yard setback of 50' in lieu of 75'.



Russell Township Board of Zoning Appeals

FINDING OF FACTS FOR PARCEL 26-214238

- 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, without a variance this house could not be built. The site plan shows that a major portion of the lot is under water.*
- B. Whether the variance is substantial. *Yes. This is a 50% side yard setback and a 33% reduction in the rear setback.*
- 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. The house will be beneficial to the neighborhood and similar to the other houses in the area.*
- D. Whether the variance would adversely affect the delivery of governmental services. *No. No testimony given.*
- E. Whether the property owner purchased the property with the knowledge of the zoning restriction. *Yes, as noted in the variance request.*
- F. Whether the property owner's predicament feasibility can be obviated through some method other than a variance. *No. Given the small buildable area of this lot and size of the specific field, a variance is needed.*
- 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. *Yes.*
- the following 3 conditions will apply - S/E*
- 1. The old barn which is located 16 feet from the South lot line will be removed. The new South set back will be 20 feet. (smaller variance)*
 - 2. Trees will be planted along the South and ~~East~~ West side to shield neighbors from view.*
 - 3. The spillway will be upgraded and maintained.*



Russell Township Board of Zoning Appeals

Mr. Bouчек made the motion to approve Variance #551, with Conditions. Ms. Mulloy seconded the motion.

Conditions of Permit Approval: Submittals

Exhibit A (Boundary Survey)

Exhibit B (Septic System Documents)

Exhibit C (Copy of deed restrictions)

Upon roll call, the vote was; Mr. McGrievy – yes; Ms. Mulloy – yes; Mr. Bouчек – yes; Mr. Gokorsch – yes. Mr. Downing was absent with regrets. The motion was approved.

THE RUSSELL TOWNSHIP BOARD OF ZONING APPEALS

Steve Gokorsch, Chairman

Dushan Bouчек, Vice Chairman

Mark McGrievy

Nicole Mulloy

Date: May 8, 2023