

Minutes: Russell Township Board of Zoning Appeals  
Russell Fire-Rescue Station  
June 4, 2012

Present: Steve Gokorsch, Chairman  
Fred Cuffari  
William Downing (arrived 7:03 p.m.)  
Charles Johns  
John Rybak  
Diana Steffen, Secretary

The Chairman called the meeting to order at 7:02 p.m., and changed the agenda pending the arrival of the applicant for tonight's hearing.

**MINUTES OF MAY 7, 2012** – *Mr. Johns made the motion to approve the minutes, Mr. Downing seconded and the motion passed unanimously by 4-0. Mr. Cuffari abstained due to his absence from that meeting.*

**VARIANCE REQUEST #466 James C. Gallo, 8944 Music Street**

Request for a front yard setback of 104 ft. for a porch extension in lieu of 125 ft. required per Section 5.2.B in an R-5 zone. Existing front depth setback is 113 feet.

The Chairman swore in the applicant, James Gallo, who had just arrived. Mr. Gallo stated that he is the general partner of the Gallo Family Partnership. The property had been owned by his in-laws, and after they died he purchased the property from other family members. His wife, Mimi Steif, now owns two percent and their children own 98 percent. The subject parcel is 40 acres but the Partnership owns another approximately 120 acres that are adjacent.

Mr. Gallo said the residence was rented to friends for over 30 years, but when the Steifs died the tenants moved out and because it was left in poor condition he could not rent it. He wanted to tear it down but since it had been her childhood home his wife wanted to keep it. They want to improve it, and have a Mennonite family living there rent free in return for doing the majority of the work on the house. Mr. Gallo said he was not aware of the zoning regulations and when they added on to the porch the Zoning Inspector noticed and contacted him. This is a five-acre zone, but most of the houses on Music Street are closer to the street than the required 125 feet. The residence is 113 feet from the edge of the right-of-way, and the porch addition is another nine feet into the front setback at 104 feet.

Upon questioning by the Board Mr. Gallo said the structure is built but they stopped work when contacted by Ric Machnics and pending the Board's decision. He marked the extension more clearly on the submitted drawings. They have not added to the existing foundation. He also plans to build a new garage, put in a new driveway and work on the barn. He has built a deck on the east side which is nearly finished.

Mr. Downing noted that the detail site plan titled A2, that was submitted by the applicant, shows the houses that are located on either side of this parcel, and the house to the west is completely within the front setback, with a 71-foot setback from the center of Music Street, which means it is 41 feet from the edge of the right-of-way. The house to the east is a little farther back but is still within the required setback. Mr. Cuffari said that house has an 85-foot front setback. Mr. Gallo said his father-in-law had owned both of those houses and one more to the west and had sold them as three 5-acre lots. Those houses are all century homes built prior to zoning.

There being no comments from the audience, *Mr. Cuffari moved to close the public hearing, Mr. Johns 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: There was general agreement of the board that there was no impact.

