

Minutes: Russell Township Board of Zoning Appeals
Russell Town Hall
June 2, 2008

Present: Steve Gokorsch, Chairman
Fred Cuffari
William Downing
Matthew Galemmo
Edith Lerner, Ph.D.
Diana Steffen, Secretary

Also in attendance: Ric Machnics, Zoning Inspector.

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

APPEAL #439 Gordie Polando & Carrie Hanson 13679 Cuyahoga Trail

Request for variance to construct a new front entrance addition to a nonconforming residence with a front yard setback of 43 ft. 4 ins. (existing setback is 49 feet) in lieu of 100 feet required per Section 5.2.B in an R-3 zone.

The Chairman swore in Mr. Polando, Ms. Hanson, Mr. Machnics and resident Charles Butters. Mrs. Steffen confirmed that the Notice of Public Hearing was published in the Chagrin Valley Times and News Herald on 05/22/08, and was sent to the applicants and neighbors on 05/09/08. The Chairman opened the public hearing.

Gordie Polando explained he was requesting a variance from the 100-foot front yard setback, and the house is already within that setback. As part of a renovation and addition project on the entire house he would like to add a small entryway that would extend out from the front of the house 5 ft. 8 ins. This will provide a larger entrance area for shoes and to hang coats, and will add character to the house. Part of the reason for the whole renovation project is that the residence was built in sections at different times, and he wants to match the grade pitch of the roof lines. The other renovations and addition do not require variances.

Mr. Downing said it appears that there are no residences directly opposite, and Mr. Polando said that was correct, but that Tom Ludick's property is opposite. Mr. Machnics noted that Mr. Polando's residence is located on a 1.58-acre parcel which is in the R-3 zone, but that Mr. Polando also owns the 4-acre lot behind that is in the R-5 zone. They are separate lots. He based his denial of a zoning certificate for the entryway addition on R-3 requirements since the majority of the house is in the R-3 zone. Although the required front setback in the R-3 zone is 100 feet, the residence is only 49 feet from the edge of the right-of-way on Cuyahoga Trail. Mr. Polando stated that the living room at the back of the house is a few feet into the back lot.

Resident Tom Ludick, 13702 Cuyahoga Trail, was sworn in by the Chairman, and stated he had lived across the street from the subject property for 42 years. He stated that the original construction of Mr. Polando's home was a summer cottage. The second owner was Dr. Hughes who renovated the cottage, and the third owner was Dr. Trowbridge who did a renovation that added a basement, closed off the garage and finished the second floor over the garage. This is the way the residence is now. The 49-foot setback was the location of the original summer

cottage which was built in the 1940's. Mr. Machnics said this predates the zoning. Mr. Ludick said he had no objection to the variance.

Mr. Cuffari asked Mr. Machnics about the front setback of other homes on Cuyahoga Trail. Mr. Machnics said they vary, with some being within the setback area. Mr. Polando stated that his home is the closest. From Fairmount Road on Cuyahoga Trail, the first house (Holzheimer) is nearly as close as his home, the next house (Simpson) is a little farther back and the next (Golden) farther still. The Brewster home and Ludick home, both opposite his property, are the farthest from Cuyahoga Trail. To the north of his home, the Frazier house next door is up a hill and all the others are at least 100 feet back. Mr. Polando confirmed that the depth of his 1.58-acre lot is approximately 75 feet, and the required 100-foot setback would clear the back of his house. He marked the addition on a close-up aerial view of the house. The addition will be 5 ft. 8 ins. by 11 feet wide.

Asked by Mr. Glemmo if he had always owned the two lots, Mr. Polando stated that they were sold to him together because the residence extends onto the rear lot. The previous owner, Dr. Trowbridge, put down a slab for a living room and found it was partly on the land behind, so he purchased a 4-acre parcel out of it. Mr. Polando stated he moved into his home in July 1995. Mr. Machnics stated that the rear lot could not be sold separately now. The large lot surrounding that parcel is owned by Ms. Lucia Nash and is now protected by a conservation easement.

There being no further comments from the audience, *Mr. Cuffari made the motion to close the public hearing, Dr. Lerner 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: No testimony has been presented to indicate there would not be a beneficial use without the variance.
- b) Whether the variance is substantial: No, the variance is 12% on the existing setback of 49 feet, the lot depth is only 75 feet, plus the proposed addition has a width of 11 feet and only extends forward less than 6 feet.
- 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: There was no testimony on the impact to neighboring properties. There was testimony that this house is the closest to the road, but it is situated on a very narrow lot and the variance would not change the character of the neighborhood.
- d) Whether the variance would adversely affect the delivery of governmental services: No testimony was provided on any impact on delivery of governmental services.
- e) Whether the property owner purchased the property with the knowledge of the zoning restriction: In the Notice of Appeal the applicant had stated the restriction might have been mentioned to him when he purchased the property.

