

Minutes: Russell Township Board of Zoning Appeals
Russell Fire Station
July 8, 2009

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

Also in attendance: Ric Machnics, Zoning Inspector.

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

VARIANCE REQUEST #444 Sandra Wokety, 7769 Kinsman Road

Request to construct an in-ground swimming pool 35 feet from the west side property line in lieu of 50 feet required per Section 5.2.B in an R-5 district.

The Chairman swore in Mr. & Mrs. Wokety, Mr. Machnics and resident Bill Meyer, and then opened the public hearing. The secretary stated that this meeting replaced the regular June meeting that was canceled due to lack of a quorum, and a Sunshine Notice was sent to five newspapers on 6/24/09. A legal notice for tonight's hearing was published in the News Herald on 6/26/09 and sent to neighbors on 6/24/09.

Mrs. Sandra Wokety noted that the immediate neighbors to the west, the Olsens, had looked at the proposed location of the pool, and told her that they would not be able to see it due to the vegetation between their properties, and so they had no problem with the variance. Mrs. Wokety stated that the septic system and leach bed are in the back yard, so she could not put the pool there. The house is located at an angle to S.R. 87, and by locating the pool at the same angle to match the house, it will be 35 feet from the west side line at the closest point, and 43 feet from that line at the farthest point, as indicated on a drawing of the pool submitted tonight. The closest corner of the house to the side line is 54 feet.

Mrs. Wokety said that a gas line runs from the house to the road slightly farther east from the pool location, as do the telephone and electrical lines. The gas line is currently marked with flags. Mrs. Wokety drew the location of the gas line on an aerial photo. Over the last five years she has tracked the sun in her yard and the proposed location will have a lot of sun.

Mr. Gokorsch asked for comments from the audience. Bill Meyer stated he lives in Florida but owns property to the south of the Woketys, and had lived in the Olsons' house at 7753 Kinsman Road during the first 14 years of his life. He asked about the location of a cistern and Mrs. Wokety said it is in the back yard in the wooded area but is unused now. Mrs. Wokety drew the location of the cistern on one of the aerial photos. She stated the water well and pump are in the back of the house with access to the pump under a step.

Mr. Machnics stated he believed this is the appropriate location with being cut in close to the house and out of the way. It will not be in front of the house since one part of the house is closer to the road. When driving by he found the proposed location is not visible from the road.

Asked the distance from the pool to the road Mrs. Wokety stated it will be approximately 350 feet, and Mr. Machnics estimated the Olsons' home to the west to be about 80 feet from the side line plus the proposed 35 feet from the pool, totaling 115 feet from the nearest home. Mr. Wokety stated there are also woods in between. The Perry home to the east is farther away still. Mrs. Wokety said she is requesting 35 feet from the side line as this is the closest the pool will be, but she will try to locate it 37 or more feet from the side line when it is being installed.

Mr. Madden asked about the dimensions of the pool. Mrs. Wokety stated it is a curved pool and is 23 feet long from north to south and 11.5 feet at its widest point. It is a small pool holding between 7500 and 7800 gallons of water, only 2000 gallons more than some spas. It is fiberglass, which is the most appropriate for the climate of northeast Ohio and runs the most efficiently. It has a cartridge filter and salt chlorinator that does not burn the eyes like chlorine but cleans the water and is better for the environment. Mr. Madden asked if there is a smaller size prefabricated model available, and Mrs. Wokety stated this is the smallest size available. Mr. Madden noted that Mrs. Wokety had tracked the best location of the sunshine and asked if this is an important consideration, and Mrs. Wokety stated it is very important. Mr. Madden asked if there are other areas on the property where there is sunshine and where the zoning would permit the pool. Mrs. Wokety stated the front yard receives sunshine but the zoning does not permit a pool there, plus the pool would not be secluded. The back yard has 75 to 100-foot trees shading it, and the east side yard has their driveway. Mr. Madden asked whether the required fence will be an issue as far as location, but Mr. Cuffari explained that the fence is not subject to the side yard setback. Mrs. Wokety confirmed she is planning to install a fence and not an automatic cover. She had researched a cover, but it would cost between \$5,000 and \$8,000, requires daily cleaning and she was told that raccoons' nails can pierce such a cover. Since they see many raccoons on their property she did not want to deal with the required repairs.

Mr. Cuffari made the motion to close the public hearing, Mr. Downing seconded and the motion passed unanimously.

Mr. Downing noted the following exhibits presented by the applicant: Exhibit 1 – location plat of the property showing side yard dimensions and proposed location of the pool; Exhibit 2 – GIS photo of the subject house identifying the gas line coming out the front corner, and the location at the back of the cistern and leach bed; Exhibit 3 – Access Geauga aerial photo showing the location of the gas line at the corner of the house and the location of the pool superimposed on an existing pool; Exhibit 4 – Diagram showing the outline of the pool with indication that it is angled slightly by showing distances to the property line at various sites alongside the pool.

Mr. Downing moved to accept applicant's exhibits 1 through 4 as submitted, Dr. Lerner seconded and the motion passed unanimously.

