

Minutes: Russell Township Board of Zoning Appeals
Russell Fire-Rescue Station
August 23, 2010

Present: Steve Gokorsch, Chairman
Fred Cuffari
William Downing
Justin Madden
Diana Steffen, Secretary

Edith Lerner was absent with apologies. Also in attendance: Ric Machnics, Zoning Inspector.

The Chairman called the meeting to order at 7:08 p.m. The Secretary confirmed that a legal notice was published in the News Herald and Chagrin Valley Times on 08/12/10, and was sent to the applicant and neighbors on 07/29/10. The Chairman swore in all those in the audience who planned to give testimony.

CONTINUANCE OF VARIANCE REQUEST #453 Peter V. Rogers, 13965 Chillicothe Road

Request for variances to split one 15.1-acre lot at 8230 Fairmount Road into four separate lots, specifically requesting two sideyard variances of 30 feet in lieu of 50 feet, four lot frontage variances and four lot width variances in violation of Section 5.2.B, minimum lot frontage and lot width 250 feet in an R-3 zone.

Mr. & Mrs. Peter Rogers were in attendance. The Chairman announced that the public hearing was closed at the last meeting, but asked the applicant if he had new testimony he wished to present. Mr. Rogers stated he had new information that was not available last time, namely an expert's soil report, communications with the Geauga County Health Department (G.C.H.D.), and additional financial data from the County Auditor's website.

Mr. Madden moved to reopen the public hearing for #453, Mr. Downing seconded and the motion passed unanimously.

Mr. Rogers presented a G.I.S. map taken from the County Auditor's website showing lot lines, topography and the riparian corridors on his property and neighboring properties. He stated he is a registered professional engineer with certification, and asked whether he could present as an expert. The Chairman recommended he present as the homeowner and validation could be accomplished later. Mr. Rogers stated that the western-most riparian corridor on the map drains through the culvert in front of his property and under Fairmount Road, and has seven branches, only one of which is on his property. The others drain into the Belle Vernon development away from his property. There is one other corridor on the east side, but this map shows that there is not a high volume of water being generated on his land. He pointed out that the higher ground is at the rear of his parcels and at the adjacent lot to the rear. He explained that the riparian zoning prohibits trees being cut down, buildings or disturbance of vegetation. The new information is that this map shows the contiguous lots with the riparian corridors, whereas the map he presented previously only showed his property.

The applicant presented a spreadsheet he had prepared that analyzed the eight lots contiguous to the outer perimeter of his lots. He had taken the 2010 tax values and acreage from the Auditor's website, and determined the dollar value per acre and dollar value per square foot from the home value, plus the density of persons per acre. Taking the average of the eight homes for dollar per acre, \$110,303, he compared that figure with the average of his three parcels of \$33,753. He stated this was important as far as the hardship issue. Mr. Gokorsch pointed out that since two of his parcels are not improved whereas the eight contiguous lots are improved, it may not be a valid comparison. Mr. Rogers said that his Parcel No. 26-154100, 9.7 acres, that has the two homes, is valued at \$475,000, with a \$48,969 dollar value per acre, still half of the average of the surrounding homes.

Mr. Rogers also stated that he determined the average acres per person in terms of density for the surrounding homes was 0.65 acres based on the average home residency in Geauga County. That is

based on the square footage of the dwelling and assuming three bedrooms. He agreed that his numbers may not be valid if the homes have more than three bedrooms. Some of the neighbors present said their homes have four or five bedrooms. The acres per person for his total lot is 4.71 now, and would reduce to 2.36 if the lot with the two homes is split into two lots, which would not have a high impact.

Mr. Machnics said that the legal description for the 9.7-acre parcel as shown on the Access Geauga Main Information page submitted by Mr. Rogers as part of the appeal package, showed that parcel to have a forestry designation. Mr. Rogers confirmed that it does, and Mr. Machnics said that would account for the lower value per acre of his parcel compared to the residential lots. He also noted that the property class was shown to be General Farm, which Mr. Rogers confirmed, and Mr. Machnics said that would also account for the lower value. Mr. Gokorsch asked if residential lots are comparable in value to a forestry and farm designated lot. Mr. Machnics replied that he did not know the difference in dollar value but he did know it is much less. Mr. Rogers said he has bank appraisals which are not very high for his property, being about the same as the assessed value. Mr. Machnics said the bank appraisals would take the property designations into consideration. Mr. Rogers said the bank appraisers consider the market in the area and the values. The figures shown on his spreadsheet are the assessed values, determined by Scott Yamamoto, Senior Appraiser for the County Auditor. Mr. Cuffari recommended the board take the figures at face value since the board members are not experts, and no expert has testified as to the validity of the figures. They could ask for expert confirmation if required when making the final decision.

Mr. Rogers stated that the last column on the spreadsheet related to the approximate lot width at the building line and was based on fact. The average frontage of the eight surrounding lots is 163.75 feet, which compares to his requested frontages of 220, 165, 165 and 150 feet.

The applicant presented a sheet showing the configuration of his proposed four lots and some neighboring lots. Shown approximately to scale, he stated that the reason for this exhibit was to show that his proposed lots would have larger frontages and acreages than the neighboring lots. He said he wanted to show that his proposed lot shapes were consistent with others in the neighborhood.

Mr. Rogers then presented information on land use/land cover mapping and values of runoff coefficients, which he obtained from publications found on the internet. He explained that the figures show the runoff factor for different terrains and uses. Woodlands cause low runoff at 0.05 to 0.25, whereas lawns are slick and cause more at 0.25 to 0.35, and single family homes with paved drives cause the most at 0.35 to 0.50. A development like Belle Vernon sends more water runoff to the riparian corridors than a wooded area such as his property. He stated that the responsibility for heavy water flow to neighboring properties does not come from his property and will not do so if the variances are granted, since wooded lots absorb more water than those with lawns. He said he was willing to write deed restrictions to prohibit grass and keep the lots wooded. Mr. Machnics commented that just by building a home the footprint, driveway and septic area would increase the runoff as it may have on the adjoining properties. Mr. Rogers said he would put in the deed restrictions that the septic field must be installed around trees. He confirmed that forests provide less runoff than residential areas.

Mr. Rogers presented a soil study by Norris Williams, CPSS, evaluating the front yard of the 9.7-acre parcel. He stated this showed there are Rawson soils which are considered better for septic systems than Mahoning Ellsworth which are considered good for Geauga County. The two buildings are shown on a drawing with possible septic locations. A septic system is already there. The modern design of septic systems prohibits runoff via an outlet, so there is no flow to a well or stream. Mr. Cuffari said the board will need proof that the four proposed lots could support septic systems and have been approved by the Geauga County Health Department. Mr. Rogers stated that the Health Department look to Mr. Williams for advice and he had visited the site and taken borings and told him the site was suitable for a septic system. Mr. Rogers said he would expect that if the board granted the variances it would be contingent on approval of the septic systems. Mr. Cuffari explained that the board will require an expert to back up the testimony on water runoff and also on septic systems. Mr. Gokorsch noted that the soil study presented was dated 1998.

Mr. Rogers asked for a continuance in order to consult with experts and ask them to attend the hearing.

The Chairman asked the audience for comments and questions related to the testimony presented tonight.

Tom Clapp, 8265 Fairmount, confirmed he was sworn in, and stated that Mr. Rogers said the water on the western side of his property goes to the west, but Mr. Clapp said it flows along Fairmount Road, through Alexander Drive, through the creek and floods his yard. Water comes down Fairmount Road from both directions to his property, the lowest point, and the middle riparian corridor shown on the exhibit flows directly into Mr. Shipitalo's and his yards.

Jacque Mazza, 8156 Fairmount Road, commented that the irregular-shaped lots shown on the exhibit are mostly in Belle Vernon, whereas the lots fronting on Fairmount Road are rectangular. As an analyst she questioned the figures for people per acre, and asked how many people are living at Mr. Rogers' property.

John Piazza, 8225 Belle Vernon Drive, stated his concern was the swale on the western side of the property and the water problems on Fairmount Road. If trees are cut down and septic systems installed this will create more runoff.

Andrea Camino, 8185 Belle Vernon Drive, asked how far a residence and septic system can be located from the rear line. Mr. Machnics stated the residence must be a minimum of 75 feet and suggested she call the Health Department regarding the septic rules.

Gary O'Kelly, 8270 Fairmount Road, said that over the last 30 years erosion has steadily increased. His backyard is wet throughout the year and much of the topsoil is gone. Mr. Rogers' father had not wanted to sell any land for a golf course, and so a developer came in and built the Belle Vernon development which dramatically increased water runoff in the area.

In answer to Mrs. Mazza's question, Mr. Rogers stated that of the people living on his property one has a master's degree and one is an administrative assistant, but this is not relevant to the board's deliberations.

The audience asked a number of procedural questions, then there being no further comment, *Mr. Madden moved to continue the public hearing for #453 to the next meeting, Mr. Cuffari seconded and the motion passed unanimously.*

Mr. Downing made the motion to accept the following exhibits on behalf of the applicant: #2 – Riparian water course and topography superimposed on the Rogers' parcels and the adjacent properties; #3 – Spreadsheet comparing various properties to the Rogers' property; #4 – Impervious soil charts describing woodlands compared to lawns and residential use; #5 – Layout comparing the proposed lots on the Rogers' property to some of the surrounding lots on Belle Vernon Drive; #6 – Soils test relative to sewage systems for the area adjacent to and in front of the existing two buildings. Mr. Cuffari seconded and the motion passed unanimously.

Due to the anticipated absence of one of the board members from the September 13th meeting, the board agreed to reschedule the next meeting to September 20th.

MINUTES OF JULY 19, 2010 – *Mr. Cuffari made the motion to approve the minutes as submitted, Mr. Madden seconded and the motion passed unanimously.*

DISCUSSION – SITE VISITS – The board discussed the advantages and disadvantages of individual site visits.

OTHER BUSINESS – The board discussed protocol and procedures, and the Chairman said he will consult with legal counsel.

