

Minutes: Russell Township Board of Zoning Appeals  
Russell Town Hall  
September 24, 2007

Present: Steve Gokorsch, Chairman  
Fred Cuffari  
William Downing  
Matthew Galemmo  
Diana Steffen, Secretary

Dr. Edith Lerner was absent with apologies.

The Chairman called the meeting to order at 7:02 p.m. While awaiting the arrival of the Zoning Inspector, the Chairman delayed the public hearing and continued with the agenda.

**MINUTES OF JULY 30, 2007** – Since only two members were present who were also at the July 30 meeting, the Chairman deferred approval until the next meeting.

**FINDINGS OF FACT #437 Thornberry** – Mrs. Steffen confirmed she had added the number of members who voted on this variance request to the findings of fact.

*Mr. Downing made the motion to approve the Findings of Fact for Appeal #437 as submitted, Mr. Galemmo seconded and upon roll call the vote was Mr. Downing – yes, Mr. Galemmo – yes, Mr. Gokorsch – yes, and the motion passed by 3-0. Mr. Cuffari abstained due to his absence from the public hearing.*

**OTHER BUSINESS** – Mrs. Steffen brought to the board's attention an Ohio Planning Conference workshop on November 9. Mr. Gokorsch mentioned that he understood that plantings on the Muggleston Farm property in Bainbridge were all eaten by deer, and suggested that the trees to be planted during the restoration in the open area at the Rivendell Subdivision should be protected.

Zoning Inspector Ric Machnics arrived at this time.

**VARIANCE REQUEST #438 Wesley and Betty Schieferstein, 14738 Russell Lane**  
Request for a variance to construct an attached garage with a front yard setback of 57 feet in lieu of 70 feet required per Section 5.2.B for a pre-existing lot of record in an R-5 zone.

The Chairman swore in those in the audience who planned to give testimony. The Secretary confirmed that a legal notice was published on 09/06/07 in the Chagrin Valley Times and the News Herald, and was sent by certified mail to the applicant and neighbors on 08/31/07.

*Mr. Cuffari made the motion to open the public hearing for Variance Request #438, Mr. Galemme seconded and the motion passed unanimously.*

Wesley Schieferstein stated that he was asking for a front setback variance to add an attached garage to the existing garage that is attached to his house. The house is set at a slight angle and one side of the proposed garage addition is 13 feet in the front setback and the other side is 11 ft. 6 inches. He said that attaching it to the present structure "will not hinder the appearance of the property, street or neighbors." There is shrubbery and trees that would shield the proposed addition on the north side of the house. Based on the topography of the property there is no other location to build it. He would need a variance to build on the southern side because the side line would be only 20 feet from the garage, plus he would need to remove soil and big pine trees; the elevation drops towards the rear and there would be drainage issues. The utilities (gas, well and electric) are on the north side of the house and enter the existing garage, which would be convenient for the addition. His neighbor's house is 30 feet from the side line, so their houses are 60 feet apart.

Mr. Schieferstein showed a computer rendering he had drawn that showed the proposed garage added to the existing garage; the roof lines would be the same, and the proposed garage adds 18 feet towards the street.

Asked by Mr. Gokorsch if the addition would replace the paved area beside the existing garage, Mr. Schieferstein said it would, but there would be seven feet of asphalt left that he would extend to ten feet to allow for one parking space. That would add approximately three feet of asphalt. The board reviewed the color photos of the property submitted by Mr. Schieferstein, who advised that his property drops down dramatically behind the house towards the Chagrin River. He stated that the proposed garage addition would be 31.5 feet from the north side line.

Asked by the board to comment on the neighborhood, Mr. Machnics stated that when the applicant's house was built, the minimum lot size was 1.5 acres, and the house is consistent with other houses on the street. Major excavation would be required to build on the south side due to the topography of the land. The grade goes up about three feet from the front and then drops off considerably in the back, plus there are some large trees in that area. Mr. Machnics also stated that the house setback is consistent with other houses on the street, although the applicant's house appears to be slightly farther forward due to the garage. The neighboring house to the south is farther back but the applicant's house lines up with neighboring houses to the north.

Mr. Downing asked whether a detached garage could be built opposite the existing garage on the south side and no closer to the street by removing one pine tree. Mr. Machnics said there is a large maple tree and large pine tree and another tree in that location, and the grade would have to be cut down in that area to keep the grade the same as the existing garage. Then the floor would have to be raised up using more blocks to prevent runoff going into the building. Also, there would be no connection between the

building and the house, which the applicant needs. Mr. Schieferstein said the garage would stand out and not fit with the neighborhood if it was located on the south side.

Mr. Gokorsch asked if there have been similar variances granted on the street. Mr. Machnics said he had not investigated that. Mr. Schieferstein stated that most of the other houses have flat terrain behind them, and his home is unique with the 50-foot drop off behind it. Mr. Machnics stated that, in his opinion, there is no other practical place to build the garage with regard to expense and construction, and the Township has no objection to the structure and its location as proposed. Mr. Gokorsch noted that in the proposed location, the garage would add only three more feet of impervious surface.

There being no other comments from the audience, Mr. Cuffari made the motion to close the public portion of the hearing, Mr. Galemmo seconded and the motion passed unanimously.

Mr. Cuffari noted that the requested front setback is 57 feet as stated on the Notice of Appeal question M.1, and not as written in question 4.b.

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 was presented indicating any effect on the value or use of the property.
- b) Whether the variance is substantial: At 18% three members felt it was not substantial under the circumstances; one member said it was substantial since he believed the garage could be built on the south side without a variance.
- 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 testimony was heard to indicate any of the adjoining properties would suffer any detriment as a result of the proposed addition, and no neighbors have objected; the Zoning Inspector, on behalf of the Township, testified that the proposed location is the most practical.
- d) Whether the variance would adversely affect the delivery of governmental services: No.
- e) Whether the property owner purchased the property with the knowledge of the zoning restriction: Yes, according to the Notice of Appeal.
- f) Whether the property owner's predicament feasibly can be obviated through some method other than a variance: Three members said the alternative location on the south side was not feasible since the Zoning Inspector had testified that area would need extra drainage, additionally the garage would have no direct access to the house since the living room is on that side, would require more driveway and impervious

