

Minutes: Russell Township Board of Zoning Appeals
Russell Town Hall
September 22, 2008

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

Fred Cuffari was absent with apologies.

Also in attendance: Ric Machnics, Zoning Inspector.

The Chairman called the meeting to order at 7:00 p.m. The Secretary confirmed that a legal notice for both hearings tonight was published on 9/11/08 in the Chagrin Valley Times and the News Herald, and was sent to parties and neighbors on 9/10/08. The Chairman swore in all those who intended to give testimony or make comment during either hearing.

**CONDITIONAL USE #380 LAUREL SCHOOL 7420 Fairmount Road
Continuance of request for expansion of existing conditional use to construct an
11,800 sq. ft. fitness center/locker room facility.**

In attendance for Laurel School were Ann Klotz, Head of School, Jill Akins and Kevin Kennedy of Van Auken Akins Architects, LLC, and Kathy Jankowski of Knight & Stolar Landscape Architects.

The Chairman reopened the hearing. Head of School Ann Klotz gave a presentation on the history of the development of the campus. She said that the 33,000 sq. ft. natatorium that was approved in 2000 was not built due to lack of funds. Now they have received funding from the Butlers, and can build the proposed building in place of the natatorium. They are sensitive to neighbors' concerns regarding the water table, and propose tying into the Cleveland water line in Hunting Valley. They are sensitive to the conditions imposed as part of the conditional use permit, and confirmed that although they have permitted alumni and parents to use the facility as their guests, where they sometimes reimburse the school for expenses, they have no interest in renting out the facility. There are no plans to expand, and they have hired consultants to work on a master plan for the school, which she would like to share with the Township when it is completed in the Spring. They have no plans to move the school from the Lyman campus to Russell.

Kathy Jankowski, landscape architect, presented a site plan and emphasized that the school's main goal is to protect the 138 acres and merge their usage with the environment. She emphasized that their development plans involved protection of Griswold Creek and two tributaries that run on both sides of the property. They have not increased stormwater on the site, but recycle it through the ponds to the athletic fields.

They monitor chemical usage and annually work with the Chagrin River Watershed Partners and the Board of Zoning Appeals to make sure they are managing the site in an environmentally-sound manner. The eight wetlands on the property have not been disturbed and their ability to filter out pollutants are used as an educational tool for the students. In the center of the property there are stands of maples and beech trees, with 98% beech in some areas. It is unusual now to find such pristine woods. In transitional zones there are successional fields that they have turned over to nature; these are starting to have native grasses, wildflowers and shrubbery, and trees will start to grow and shade them out. Ms. Jankowski stated that Laurel School has a strong commitment to not impacting streams or the environment and to protect the character of the site.

Jill Akins, architect, addressed the Board's concerns from the last meeting: 1) Signage – They wish to install a "Butler Campus" sign on the other entrance wall in the same proportion and material as the existing sign on the other wall. 2) Site lighting – Showing a photometric map of the site Ms. Akins said that per the conditional use granted in 2000 they plan to install the 15-foot high fixtures along the drive with 1-foot candle light intensity using shoebox type fixtures focused down. These would light only 10 to 15 feet out from the driveway and nowhere near the boundary. 3) Landscape plan – Showing a landscape plan around the proposed building, Ms. Akins stated that they will use only native species that grow in wetland areas. They are also planning a rain garden with bio-cell plantings on the east side of the building that will filter rain runoff from the roof via downspouts, through the rain garden to a retention pond. The rain garden will be used as an educational opportunity for the students. 4) Waste water treatment facility – Ms. Akins said the facility was designed for 10,000 gallons per day, but the new building will use only 3,000 gallons daily. If the pavilion and two lodges are one day tied in to the treatment facility they will still be nowhere near capacity. Regarding concern about noise, the original designer has described it as being like the low hum of an automobile, but the school would also not want loud noise there so if there is an issue they will address it. 6) Safety force approval – Ms. Akins said they met with the Fire Chief and Police Chief last week and showed them the building and site plans. Both have approved the proposed facility and have written letters of approval to the Board.

Mr. Machnics stated that the proposed additional sign must be addressed as a separate issue from the current request.

The Chairman asked if there were comments from the audience.

Tom Mortimer, 13753 County Line Road, confirmed he was sworn in and asked the Board to increase the amount Laurel School pays in lieu of taxes to the Township. He felt if the property had been developed with houses there would be \$200,000 going to Geauga County in property taxes. He understood that Laurel School pays \$22,000 annually, or \$110,000 over five years, rather than the million dollars over five years that would be paid if there was residential housing. He was not aware of any students at the school who live in Russell Township, and only a few in Geauga County, which buses them.

John Wagner, resident on Fox Hollow Drive, was sworn in by the Chairman, and objected to the proposed light fixtures being 15 feet high, similar to Signature Square, which he felt caused pollution of the night sky. Ms. Akins responded that the height was approved in 2000, and they would keep within that. They plan to have a telescope on the property to look at the night sky so have an incentive to keep lighting to a minimum. Ms. Jankowski said that the one-foot candle would be the maximum but the goal is to keep below that. Ms. Akins confirmed that the fixtures would concentrate light downwards and not sideways, and would not be on all night. Mr. Machnics stated that he will verify the lighting when it is installed, and the current proposal is the same as that proposed in 2000.

Dr. Lerner noted that at the previous meeting there was discussion about the number of proposed parking spaces and the ratio to the number of students, and this has not yet been addressed. Ms. Jankowski stated there are currently 185 parking spaces plus 10 handicapped spaces in the gravel portion. They will add six spaces in two groups of three at the turnaround near the new building. The turnaround will still accommodate fire trucks and buses. The layout has been reviewed with the Fire and Police chiefs.

Mrs. Richard DeBacco, 7492 Fairmount Road, confirmed she was sworn in, and stated that when she and her husband built their house next door in 2003 they were not aware of the approval for changes to the house at the front of the property and for the natatorium, but thought there would be athletic fields only. She was concerned about noise from buses and about the lighting. She felt that the property was being used differently from the original plan, and that the environment was being adversely affected. She said wildlife would be impacted. They had built their home near the road in order to leave the rear of their land natural. Mrs. DeBacco stated that their home is 8,000 sq. ft., nearly the size of the proposed building, but they have a well, and she questioned Laurel School's need for a waterline. Ms. Jankowski said some people in the area have told her that the aquifer does not pump enough water, and although Laurel does not use well water to water the athletic fields, having the waterline will mean less impact to the aquifer. The waterline is necessary for the sprinkler system that is required for the new building.

Mr. Butters asked about the impervious surface on the property. Ms. Jankowski replied that it is probably under 5%, but she could verify that percentage. The parking lots are pervious, only the roadway and buildings are impervious on the 138 acres.

Regarding the wastewater treatment plant, Mike Denk, mechanical engineer for Laurel School, stated that 100 students will probably use less than 3,000 gallons a day; the waste water is kept on site and does not flow into a creek. Ms. Akins confirmed that the water that goes into Griswold Creek is like rainwater. She also said the school will pay for the waterline to be extended and will own it from the tap-in, but the City of Cleveland will be responsible for it.

After further questions, Mr. Gokorsch advised the audience that anyone with objections to schools in the community should ask the Zoning Commission to consider modifying

the zoning laws. At this time schools are permitted as a conditional use in the zoning. There were no further questions.

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

The Chairman clarified for the record that this request for a 11,800 sq. ft. fitness center/locker room facility replaces part of the previously approved expansion of the conditional use permit in 2000, specifically the 33,000 sq. ft. educational building housing locker rooms and a natatorium.

Mr. Gokorsch also confirmed that the original intent of the development of the property was not to have any impact on Griswold Creek, and he hoped this will continue.

Mr. Gokorsch said that the lighting plan was approved in 2000. The Board has concerns, as do some residents, at the impact to the neighborhood of the tall fixtures themselves. He asked if there is anything that can be done now to minimize the impact, understanding that the safety of the children is the main concern. Ms. Akins said they will work with the engineer to minimize the height and foot candles, and if they can do so they will advise the Board.

Mr. Downing made the motion that the modification of Application #380 conditional use, which replaces the 33,000 sq. ft. natatorium with an 11,800 sq. ft. fitness and wellness center, be approved as submitted based upon review by the Zoning Inspector and approval of the fire and safety issues by the Russell Township Fire Department chief and the Russell Township Police Department chief, with the exception that the signage request will not be considered at this time. Dr. Lerner seconded and upon roll call the vote was Mr. Downing – yes, Mr. Galemmo – yes, Dr. Lerner – yes, Mr. Gokorsch – yes, and the motion passed unanimously.

Mr. Downing made the motion to accept Applicant's exhibits: 1) Site plan with dimensions from the new building to the property lines, and the wastewater treatment plant; 2) Lighting photometrics; 3) Landscape plan; 4) Detailed site plan of the building; and also Board of Zoning Appeals' exhibits: A) Letter from Russell Township Police Chief, and B) Letter from Russell Township Fire Chief. Dr. Lerner seconded and the motion passed unanimously.

**VARIANCE REQUEST #440 Narragansett Ltd., on behalf of Christopher Nook
9420 Music Street**

Request for variance to construct an addition to a nonconforming residence with a side yard setback of 23.2 feet (existing setback is 25.4 feet) in lieu of 50 feet required per Section 5.2.B in an R-5 zone

Christopher Brookes was in attendance for Narragansett Ltd. and for Christopher Nook. He confirmed he was sworn in, and showed a site plan of the property. Mr. Brookes stated that the residence is already within the sideyard setback, with the closest point to

the line being a bay window that is 25.4 feet. The owner wishes to build an addition consisting of a breakfast room, hallway and garage in line with that point, but because the property line does not run parallel to the residence, but at a slight angle, the farthest corner of the addition at the north end will be 23.4 feet from the line. The Secretary showed the Board an aerial view of the property that showed the angle of the property line as it runs from Music Street to the rear. Mr. Brookes showed the building plans in relation to the east boundary line. Currently there is no attached garage, and the proposed location is logical with the planned layout of a hallway between the garage and the kitchen area. The owner parks vehicles outside or in the outbuildings, but he would like an attached garage for his wife when he is married shortly.

Mr. Brookes said he was unable to step the garage addition back one foot farther from the east side line because he would have to modify the existing house and change roof lines. He indicated the current roof lines on the plans, and said it would be difficult in terms of usage to move those roof lines. The garage door will face the rear of the property. He was also unable to make the hallway narrower, since it would then not be functional. Mr. Brookes said he is asking for a 5% variance, being 1.2 feet on the existing 25 feet. Mr. Machnics stated that the encroachment from 25.4 feet to 23.2 feet is only a sliver.

There were no comments from the audience.

Dr. Lerner made the motion to close the public hearing on Variance Request #440, Mr. Galemme 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 was presented on this factor.
- b) Whether the variance is substantial: No, the variance is 5%, and the applicant has kept to the existing straight line showing he is not trying to push the addition closer to the line.
- 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, there was no testimony presented to indicate any detriment to adjoining properties or the neighborhood.
- d) Whether the variance would adversely affect the delivery of governmental services: No, there was no testimony presented on this.
- e) Whether the property owner purchased the property with the knowledge of the zoning restriction: Yes, according to the Notice of Appeal.

