

Minutes: Russell Township Board of Zoning Appeals
Russell Fire-Rescue Station
October 1, 2012

Present: Steve Gokorsch, Chairman
Fred Cuffari
Charles Johns
John Rybak
Diana Steffen, Secretary

William Downing was absent with apologies.

Also in attendance: Ric Machnics, Zoning Inspector.

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

VARIANCE REQUEST #469 Ray & Carolyn Voelker, 9000 Music Street

Request to replace existing residence with a new residence with a 62.1 foot front yard setback in lieu of 125 feet required per Section 5.2.B in an R-5 zone.

In attendance were Ray & Carolyn Voelker, Anthony Paskevich, architect, and Al Klauss of Anthony Paskevich & Associates. The secretary confirmed that she published the notice of public hearing in the News Herald and Chagrin Valley Times on 09/20/12, and sent it by certified mail to the parties and neighbors on 09/18/12. The Chairman swore in Mr. & Mrs. Voelker, Mr. Paskevich, Mr. Klauss and Mr. Machnics.

Mr. Klauss stated he works for Anthony Paskevich & Associates, is a Russell resident and served on the Russell Zoning Commission. He explained that the site plan submitted with the application showed the new residence, the existing garage that was the subject of a variance some years ago, and the setbacks required by the zoning regulations. The yellow highlighted line shows the limit of the flood zones and the only buildable area on the property, as verified by the FEMA map and by Hess Engineering. Other drawings in the original submission included elevations and layouts of the proposed residence. Mr. Johns asked how far the proposed residence will be located from the pond. Mr. Voelker replied about 30 feet.

Mr. Klauss presented another site plan with the same information but also including the footprint of the existing house. He pointed out that the new residence does not encroach forward of the existing garage that was granted a front setback variance. A second new site plan (marked as 1a) contains more information on the riparian setbacks from Hess Engineering, which was based on the Access Geauga map showing both Russell's required riparian setbacks and the FEMA flood zone. He confirmed that the cross-hatched area represents the unbuildable area of riparian setbacks and flood zones. Mr. Klauss said that due to this unbuildable area the proposed residence must be located within the 125-foot front setback, as is the existing house that will be razed.

Mr. Klauss also presented photographs of the existing residence, which although a beautiful home is old and has had many additions over the years. The front of the house used to be the garage and there are numerous smaller rooms and a number of different levels. At the rear are a series of stairs to gain entry to the house. He had also included a photograph of the existing garage for informational purposes.

Ray Voelker stated he purchased the property several years ago intending to remodel it, but as he discussed remodeling with the architects he realized that due to the various levels within the house and some electrical issues, it was more cost effective to build a new residence. Now they are trying to fit in with the zoning regulations and also work within the limitations of the property. By locating the new house equal to the forward-most line of the existing garage they will not intrude farther into the front setback, and hope that therefore the variance will be granted. Mr. Rybak asked if he was aware of the setbacks when he bought the property in 2006, and Mr. Voelker replied that he was not.

Mr. Gokorsch said he did not understand the answer given to question 4.a on the Notice of Appeal, regarding whether the property will yield a reasonable return or whether there can be any beneficial use of the property without the variance. Mr. Klauss stated he answered the questions on behalf of Mr. Voelker, and was trying to

indicate that in Russell Township people are building larger and more expensive homes on five-acre lots, which the existing house is not. Mr. Voelker said the "reasonable return" would be the ability to use the house, which due to the many levels and stairs the house is not useable for them and therefore does not provide a reasonable return. He explained that both he and Mrs. Voelker have bad knees, and as they looked at removing some of the levels it became clear that it would be better to build a new house on one level. The proposed house is behind the footprint of the existing house, with only the attached garage in front. He said the existing house cannot provide them with a comfortable home. Mr. Johns asked if they will live on one floor only and Mrs. Voelker said they will, but they will install an elevator for access to other floors.

Mr. Cuffari asked why they needed to build a new three-car garage when there is an existing three-car garage on the property. Mr. Voelker replied that the existing garage is stand-alone and it would be difficult for Mrs. Voelker to use. He also stated that he has planted many apple trees and needs to use the existing garage for garden equipment and storage. Since the building envelope on the property is so small there is nowhere else to do this. He will store one vehicle in the garage during the winter, but otherwise it will be used for storage of lawn tractors and other garden equipment. Mr. Cuffari asked if their cars are parked outside during the winter, and Mr. Voelker explained that they currently live in another home in Newbury that has an attached garage.

Mr. Gokorsch asked the Zoning Inspector about the variance that was granted previously for the existing garage. Mr. Machnics stated that it was granted in 1998 for a three-car garage, and there was no garage on the property at the time of the request. The variance was requested for a 51.5-foot front setback from the edge of the right-of-way, but during the hearing the applicant stated she would eliminate one of the bays and amended her request to 63.5 feet, which was granted. However, according to the site plan submitted with this new application the garage is setback 62.1 feet, plus he noted that in fact the garage was built with three bays, although there is no record of why this happened.

Mr. Machnics mentioned that it has been stated tonight that the proposed house will be built on the existing footprint, but in fact it will be built fairly close but larger and not following the same foundation at all. He asked the distance from the proposed house to the riparian setback on the west side near the rear of the house, and the location of the existing septic system and water well, and any new proposed septic system and water well. Mr. Paskevich estimated the distance from the residence to the riparian setback to be between five and ten feet, and said that if the variance is granted they will have a survey done of the property which will show that distance. Mr. Klauss said that the site plan submitted with the application for a zoning certificate will show the location of the septic system and well. Mr. Voelker said the well is in the front yard now, and the septic system appears to discharge to Silver Creek, which is why he worked with Geauga Soil & Water Conservation District and Hess Engineering to install gabion baskets to shore up the banks of Silver Creek in order to keep the existing pipes. He will work with both entities again to install a new septic system. Mr. Machnics confirmed that the septic system must be approved before a building permit is issued.

Asked by the Chairman if there are other residences in the neighborhood that are set back about the same distance, Mr. Machnics responded that there are several close by, some of which are a similar size and style.

There being no other comments or testimony, *Mr. Cuffari moved to close the public portion of the hearing, Mr. Johns seconded and the motion passed unanimously.*

Mr. Cuffari moved to accept Exhibit A, revised site plan consisting of two pages with riparian setbacks shown on the second page, and Exhibit B consisting of two pages with six photos of the existing residence, existing garage and back yard. Mr. Johns 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: The applicant believes his property cannot be used at its highest value with the existing house, but no evidence was provided to indicate the house would not still yield a reasonable return if kept in its present form.

