

Minutes: Russell Township Zoning Commission  
Russell Town Hall  
February 11, 2008

Present: Richard E. Snyder, Chairman  
Bruce Murphy  
Donna Weiss Carson  
Diana Steffen, Secretary

Elizabeth Rader and Eileen Rogers were absent with apologies.

Also in attendance: Ric Machnics, Zoning Inspector.

The Chairman called the meeting to order at 7:40 p.m.

**MINUTES OF JANUARY 14, 2008** – *Ms. Weiss Carson made the motion to approve the minutes as submitted, Mr. Murphy seconded and the motion passed unanimously.*

**RESOLUTION OF APPRECIATION FOR EILEEN ROGERS** – *Mr. Murphy made the motion to approve a Resolution of Appreciation for Eileen Rogers for her years of service to the Zoning Commission, Ms. Weiss Carson seconded and upon roll call the vote was Mr. Murphy – yes, Ms. Weiss Carson – yes, Mr. Snyder – yes, and the motion passed unanimously.*

**TAKE OUT FOOD SERVICES** – Mr. Murphy reported that he researched restaurants at Cleveland Marshall law library, but apart from fast food, drive-in and drive-through, it did not appear that there had been much litigation involving restaurants. He did notice that if drive-through windows of restaurants were regulated, the regulation had to include any types of drive-through windows, such as banks and dry cleaners; it was not possible to limit it to restaurants. He also noticed that Ohio is one of the states where zoning cannot restrict the sale of alcoholic beverages once it is allowed in a precinct. If one retail area, restaurant or hotel is allowed to sell alcohol then zoning cannot prohibit it in similar establishments in the precinct. Mr. Murphy had also found that restaurants are often a conditional use, and it is important that the zoning is precise about its definition of the type of food preparation permitted.

Mr. Snyder said he had not found any model zoning for restaurants that would be useful. He said there were three other options for the Commission to proceed: 1) The Commission writes an amendment, which would take a long time; 2) The Commission hires a consultant, which would be expensive; 3) Ask the Planning Commission for assistance. He had spoken with David Dietrich, who said he would obtain a legal opinion from the Prosecutor regarding whether the Township can allow certain types of food service but not others. If this is possible then the Planning Commission can assist by writing a model resolution for the Township.

Mr. Murphy agreed to create a list of issues for the Commission to consider in order for them to decide the types of food service they would like to see in the Township. Once this is determined it can be forwarded to the Prosecutor for a legal opinion.

**PERMITTED STRUCTURES IN THE FRONT YARD** – Mr. Snyder explained that because the Resolution's definition of front yard is that it is an unoccupied space, there is no provision to allow the items listed in the Model Zoning Resolution. This includes driveways and septic systems. He asked the Commission to review the list and decide which items they wanted to permit in the front yard, and also suggest other items if they wished. The definition of 'structure' may also need to include these items.

Mr. Snyder said he asked Mr. Dietrich if zoning can regulate service roads to gas and oil wells. Mr. Dietrich thought it would be possible, but will ask the Prosecutor for a legal opinion. The goal would be for such service drives to be constructed to certain specifications and maintained to allow for continuing access by emergency vehicles.

**WATER USE AND LAWN SPRINKLER SYSTEMS** – Due to Ms. Rader's absence this item was postponed until the next meeting.

There being no other business, Ms. Weiss Carson moved to adjourn, Mr. Murphy seconded and the meeting adjourned at 8:26 p.m.

Respectfully submitted,

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Diana Steffen  
Secretary

Date

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Richard E. Snyder  
Chairman

Date

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