

Minutes: Russell Township Zoning Commission
Russell Town Hall
March 17, 2008

Present: Richard E. Snyder, Chairman
Bruce Murphy
Elizabeth Rader
Diana Steffen, Secretary

Eileen Rogers and Donna Weiss Carson were absent with apologies.

Also in attendance: Ric Machnics, Zoning Inspector.

The Chairman called the meeting to order at 7:38 p.m., and noted that there was a quorum.

MINUTES OF FEBRUARY 11, 2008 – With only two members present who were in attendance at the February meeting, the approval of minutes was tabled until the next meeting.

TAKE OUT FOOD SERVICES – The Chairman announced that David Dietrich and Rebecca Schlag have accepted his invitation to attend the April meeting. He would like to give them a list of what the Commission would like to see regarding food service before that time so they can give their opinions on the items listed. Mr. Murphy handed out the results of his research of many zoning codes in Ohio. Almost all existing classifications of restaurants are based on the type of service provided. He did not find any zoning codes based on food preparation. He noticed that there is a jump between no food preparation with pre-packaged foods and anything else. He said the law permits zoning to regulate restaurants on a different basis than retail.

The Commission discussed Mr. Murphy's research at length, and agreed that parking, driveway access, and distance from an intersection are major concerns that will affect the type of restaurants that should be permitted. It may be justifiable to prohibit drive-through and drive-in restaurants since they require more space and lighting and may be noisy. The Commission will ask legal counsel whether there is justification to prohibit formula fast food restaurants.

The Chairman said that they may wish to restrict restaurants to the S.R. 306/87 intersection, where the 208 Plan allows for sewers, and where the O-B district would be a buffer between any restaurants and the residential zone. The S.R.306/Music Street intersection is not included in the 208 Plan, and does not have any O-B district to buffer the C-S or L-B districts from the residential zone, and therefore would not be appropriate. If restaurants were permitted there it would open up that intersection to pressure to extend the sewer line from South Russell, since an appropriately-sized septic system could be financially prohibitive.

Mr. Murphy will check the zoning codes of the Village of Chagrin Falls and the Village of South Russell, since they have restaurants but no fast food restaurants. He will revise the list so the Chairman can submit it to Mr. Dietrich and Ms. Schlag prior to the April meeting.

PERMITTED STRUCTURES IN THE FRONT YARD – The Commission approved the County Model list of structures permitted in the front yard. Mr. Snyder said he will draft an amendment for further review.

Mr. Snyder said that in order to regulate driveways to oil and gas wells, they would have to include all driveways, according to Ms. Schlag. However, it may be possible to have more stringent requirements for the driveways to oil and gas wells than for residential driveways.

WATER USE AND LAWN SPRINKLER SYSTEMS – Steve Gokorsch, Board of Zoning Appeals Chairman, had asked some months ago on behalf of a neighbor, whether zoning can regulate the use of lawn sprinkler systems. His neighbor was concerned that another neighbor's water use could impact the water to his well. Ms. Rader said she researched this issue, and found that the places that do regulate water use are in areas where there is either a limited water source or a drought. There are particular reasons when there is a sprinkling ban. She did not find any restrictions based on a general desire to conserve water, and none in a rural area. Only cities with municipal supplies appear to regulate water use. Mr. Machnics mentioned that areas such as Lake Lucerne and Tanglewood in Bainbridge have common wells and do sometimes restrict sprinkling when it is dry. Mr. Snyder said restrictions are used when it is for the common good. Ms. Rader said she felt there would not be a legal basis for Russell to regulate water use, and that it is not a zoning issue. Mr. Murphy said that in Russell the Deepwood and Hillbrook subdivisions, in particular, do not have enough water, but any issues would fall under civil law, as even the State does not regulate this. The Commission agreed that water use falls under common law and is not a zoning issue. Mr. Snyder will write a memo to Mr. Gokorsch explaining the Commission's findings.

PHASE II – PUBLIC EDUCATION AND INVOLVEMENT PROGRAMS 2008 – Mrs. Steffen explained that she is working with Annie Rzepka, Education Specialist for the Geauga Soil and Water Conservation District, to set dates for the three programs and the two activities. The Commission discussed locations for the rain garden and for the tree planting along a stream corridor. Mr. Snyder will talk to the Trustees regarding the possibility of asking the West Geauga Joint Recreation District if the West Geauga Commons would be available for both of these activities. A large number of people would see the rain garden, and the riverbank has been cleared of vegetation and would be ideal for tree and shrub planting.

With regard to a proposed display stand that would be erected in a public location in the Township, with a poster and brochures provided by G.S.W.C.D., the Commission decided the stand was expensive and there is nowhere within Township buildings where it would be seen by a large number of residents. They agreed that unless there was a

