

Minutes: Russell Township Board of Zoning Appeals
Russell Fire-Rescue Station
July 19, 2010

Present: Steve Gokorsch, Chairman
Fred Cuffari
William Downing
Edith Lerner, Ph.D.
Justin Madden
Diana Steffen, Secretary

Also in attendance: Ric Machnics, Zoning Inspector.

The Chairman called the meeting to order at 7:02 p.m. The Secretary confirmed that the legal notice for both hearings tonight was published in the News Herald and Chagrin Valley Times on 7/8/10, and was sent to the parties and neighbors on 07/06/10. The Chairman swore in all those in the audience who planned to give testimony during either hearing.

CONDITIONAL USE APPLICATION #452 Russell Park Commission

Request for conditional use approval for the addition of a six-space parking area at the Russell Uplands Preserve, 15200 Russell Road, per Section 5.7 Passive Park District Zone.

Terry Ries and Sandy Siegler were in attendance on behalf of the Russell Park Commission.

The Chairman opened the public hearing. Terry Ries confirmed he was sworn in and stated he is one of three Park Commissioners. He stated the Park Commission is a public agency created 25 years ago by Ohio law for conservation of natural resources in Russell Township, and to date it has preserved 500 acres throughout the Township. It consists of a three-person board whose members are appointed for three-year terms by the Probate Court in Chardon.

Mr. Ries said that a few years ago the Russell Road family who owned the 130 acres between Russell Road and S.R. 306 wanted to preserve the land forever. Through levies and grants the Park Commission acquired it. The Commission's other parks are not open to the public but in this case, due to its location and the grants received to purchase it, they determined it should be open for public use. There was a residence and driveway on the land, and they had the residence torn down. The driveway has been the access into the park, but it is very narrow and the culvert and ditches are inadequate, and the Park Commissioners plan to improve the driveway for better safer access by the public and the safety forces.

The use of the park has been increasing. There is a lake and garage building on the property which can be used by people as a gathering place if they obtain a permit to do so. The Commission cannot afford to have a staff person on site, since their levies only cover land acquisition. They do have other funding from the County for capital improvements and maintenance, and have contracted out to put in minimal trails through the property.

Part of their responsibility is to keep the park open year round but because they could not maintain (plow) the driveway in the winter they had to close the park last winter. They found that the driveway was not useable in the winter, being narrow and with a steep drop-off on the sides, so plan to improve it by widening it, redoing the culverts and paving it. Engineer George Hess has drawn up plans for the driveway. They plan to close the gates at night in winter since the driveway will not be plowed. But in order to provide parking for access to the park in the winter they are proposing a small parking area just off Russell Road set in an area that is depressed from the driveway. The design includes a second gate to ensure there is no off-hours use of the park, which is a safety issue for the neighbors and police. Safety will increase since the police will know no vehicles are parked out of view farther down in the park.

Mr. Ries stated that the proposed parking area is 20 feet by 60 feet, for six 10-foot by 20-foot parking spaces. The existing parking area holds about six cars too and will remain. The new area will have a

depressed elevation and evergreen trees around it as a screen, but it will provide easy access by the safety forces. Asked if the driveway is residential width, Mr. Ries said it is only nine feet wide now but will be increased.

Mr. George Hess confirmed he was sworn in and said it will be increased to twelve feet with a two-foot berm each side. Mr. Ries stated that in the winter a vehicle went off the edge of the driveway and became stuck in the soft ground, and the widening of the road and berm should alleviate this situation. Asked if both the Police Chief and the Fire Chief have said this plan is acceptable to the safety forces, Mr. Ries said they gave informal approval, not formal approval. Regarding security, Mr. Ries said the gate near the proposed parking area will be opened and closed daily during all months except winter when it will be kept closed. A person under contract with the Park Commission will do this, along with each of the Commissioners. There was an incident where a police officer needed backup before approaching the lower parking area at night, so having the parking nearer the road and the gate locked at night will be an improvement for the police.

Mr. Downing said he understood that the improved driveway will be on top of the existing driveway, but the plan does not show the location on the property. Mr. Hess said it will be in the same location as it is now, but widened from nine to twelve feet. Mr. Ries commented that all of the property except three acres is under a conservation easement that prohibits new construction, so they could not move it. Mr. Downing asked if the improved driveway will be superimposed on the existing footprint, and Mr. Ries said yes.

The Chairman opened the hearing to comments from the audience.

Doug Bannerman 15385 Russell Road, confirmed he was sworn in, and stated his family has owned land on Russell Road for 100 years, and John Janoch's family owned the park property since 1916. Mr. Bannerman said he was treasurer of the land conservancy when it borrowed \$2.6 million to purchase the property, and the Park Commission added more. This was the commitment of the community to buy the land, and he complimented the Park Commission on all it has done for the park. The driveway needs improvement and will enhance the park. Many families of Russell Road donated a total of \$750,000 in cash and kind to the project, and without them the land would not be a park today. Mr. Bannerman said that 13 families met last night to discuss the request, and no one said they have seen more than two vehicles in the lower parking area at one time, so they question the need for the additional parking. The intent of the land conservancy was for the land to be a minimal use park, as it is now. With room for nine vehicles in the existing parking area the group questioned the need for an additional six spaces by the road. There will be 15 to 16 spaces for two or three visitors daily, and the new parking area will be visible from Russell Road. This will change the nature of the park, Russell Road and the Township. Nancy Janoch, who sold the land to the land conservancy, has lived in her home just to the east of the driveway for 80 years, and now she will see car headlights in her bedroom window.

Henry Piper, 15241 Russell Road, representing his mother, Betty Piper, who was also in attendance, noted that he had presented a letter to the board from Philip O'Neil, 15154 Russell Road, who could not attend tonight. Mr. Piper approved of the driveway improvement but objected to the proposed parking area due to clearing of trees and the visibility from Russell Road.

John Janoch, 15180 Russell Road, suggested that by removing a few pine trees by the existing parking area the Commission could add more spaces there and not need a new parking area. Part of the attraction is the aesthetics of entering the park, so by addressing the safety issue with gates, this would be a simple solution.

Betty Piper, 15241 Russell Road, objected to the request and suggested a remote control for the gate. She commented that John Janoch's grandparents had planted most of the trees on the property and did not like to see any harm come to them, and she objected to removing trees for a parking area.

Leslie Howell, 15289 Russell Road, objected to the request and said adding the parking area would change the character of the park, be expensive and unnecessary. The new parking area could become an attractive nuisance.

Mr. Cuffari asked the Park Commission why the additional parking area is needed if there will not be access in the dark. Sandy Siegler confirmed he was sworn in and stated that their concern was inclement weather. The park is used year round and they would like to have access in the winter but block off vehicle access beyond the gate. He said the Commissioners have seen more than two or three cars at the park at one time. Dr. Lerner said that since the driveway will be improved, could it be maintained in the winter to allow access to the lower parking area. Mr. Siegler said the drive slopes down steeply and they do not plan to snow plow it, but they would like to allow for access all year rather than eight or nine months.

Mr. Machnics stated that the width of the drive is currently unsafe for safety forces and the slope is severe. He said he has seen more than three vehicles at the park at a time. He also said he thought the proposed parking area would be visible from the road and an invitation to anyone to park there, but could be well screened so as not to be noticeable.

Asked by Mr. Downing why the proposed parking area is located on the left side of the drive rather than the right where there appears to be a bigger distance to the property line, Mr. Ries said the left side is higher topographically and the right side would require more excavation and clearing. They planned to dig out the area to recess the parking down from the surrounding grade, using the dirt for the drive widening. Mr. Gokorsch asked if there could be parallel parking along the drive that would be less intrusive. Mr. Hess said that a turnaround would be required, and the parking area would provide for a turnaround when the gate is closed.

Mr. Bannerman asked whether the Commission could put in a driveway and parking off S.R. 87. Roy Podojil, Chairman of the Park Commission, had just arrived and was sworn in. He stated that since only 3 acres of the entire 130 acres is outside the conservation easement, they can only build on the 3 acres where the drive is located. Mr. Hess pointed to an area on the plan where there is a stream and a jurisdictional wetland which they need to avoid. This was another reason for the proposed location of the parking area.

Asked by Mr. Cuffari about the planned screening around the parking area, Mr. Ries said that will be designed if they receive the conditional use approval. He said it will be ecologically appropriate for the site with native plants to achieve maximum screening from the road and Mrs. Janoch's property. Mr. Cuffari asked if he would be willing to allow the Zoning Inspector to review the design and approve screening that would block all visibility from the street and neighboring residences. Mr. Ries said he would need to discuss it with his board first. Mr. Machnics asked Mr. Ries if there will be a split rail fence as there is in the lower parking area. Mr. Ries said it will depend on the grade but they will do that if necessary to keep the cars in that area. Mr. Machnics asked if they could backfill around the parking area to block from adjoining properties the lights of vehicles turning there in the winter. Mr. Ries said yes.

Mr. Gokorsch said he would like to see formal approval in writing from the safety forces regarding the improvements as shown on the plan as far as access and safety. Mr. Cuffari asked the Zoning Inspector if he could evaluate whether the improvements will be an enhancement for the safety forces before construction started. The board could make his approval a condition of its approval. Mr. Machnics said he would support that condition.

There being no further comments, *Mr. Madden moved to close the public hearing, Dr. Lerner seconded, and the motion passed unanimously.*

The board reviewed the general standards for conditional uses in Section 6.4 of the Russell Township Zoning Resolution:

- A. The location, size and intensity of the proposed use shall be considered in relationship to the size and location of the site: According to testimony heard the reason for the new parking area is to allow access to the park in the winter. The impacted area is small relative to the entire park. There was discussion regarding the intensity of the use with regard to the six new parking spaces. There was testimony that the location for parking is limited as far as alternative sites due to the topography and to wetland and stream concerns.
- B. The proposed roads and other means of ingress and egress are of adequate width and condition to accommodate expected vehicular traffic to be generated by this proposed use and are reasonably constructed to permit access by firefighting, police, ambulance, and other safety vehicles and will not interfere with traffic on adjacent thoroughfares: The board agreed it had addressed this by proposing a condition to require the safety forces to sign off on the proposed plan before the Zoning Inspector would authorize any work to commence.
- C. The size and number of proposed off-street parking spaces and loading/unloading spaces (if available) are adequate and are in accordance with the provisions of Section 4.4 of this Resolution: No reason has been given for having six spaces rather than four or five. Some neighbors have testified about the volume of use of the existing parking lot. Mr. Podojil said they wished to accommodate the same number of cars in the winter as the existing lot does in the summer. Mr. Ries said they are looking to the future as they spend the Township residents' money, so would like enough spaces to accommodate more use of the park.
- D. The type, size, location and number of proposed signs are in accordance with the provisions of Section 4.11 of this Resolution: The board has not heard any testimony requesting signage.
- E. The proposed use will be compatible with the township land use plan: No testimony was heard on this standard.
- F. The proposed use will not be hazardous or disturbing to existing or future neighboring uses: There was testimony that adjacent homeowners will be disturbed, but that closing the park at night with a gate will improve the safety of the site and ensure that disturbance will not occur at off hours.
- G. The proposed use will be served adequately by essential public facilities including roads, police and fire protection, drainage structures, refuse disposal, water and sanitary waste disposal facilities, and schools, or that the applicant shall be able to adequately provide such services: There are none that apply in this case.
- H. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community: There was no testimony that would indicate a change in public cost as a consequence of the new parking area.
- I. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare: This is not applicable to the site since it is zoned Passive Park District.
- J. The proposed use will not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance: No testimony was heard regarding this standard. Mr. Gokorsch asked if there would be an impact on old growth forest since the area is heavily treed, and Mr. Ries replied that there would not be, as the trees are mostly older pines, spruces, ashes or birches along the roadway which are already distressed.

Since the board will require a final plat to approve, Mr. Cuffari proposed continuing the request to the next meeting. The board asked for a site plan that will show any proposed screening of the parking lot plus the size of the bank that will screen headlights.

Mr. Downing made the motion that Application #452 be continued for the purpose of allowing the Park Commission to achieve approval on changes to the existing design based on the requirements of Russell safety forces, both Police and Fire, and that the site plan be amended to include adequate screening by trees and earth as discussed this evening, Mr. Madden seconded and the motion passed unanimously.

The Chairman called for a five-minute recess.

VARIANCE REQUEST #453 Peter V. Rogers, 13965 Chillicothe Road

Request for variance to split one 15.1-acre lot at 8230 Fairmount Road into four separate lots, specifically requesting two sideyard variances of 30 feet in lieu of 50 feet, four lot frontage variances and four lot width variances in violation of Section 5.2.B, minimum lot frontage and lot width 250 feet in an R-3 zone.

Peter and Eileen Rogers were in attendance. Mr. Rogers confirmed he was sworn in, and stated three generations of his family have lived in the Township, and he lived at the subject property for 35 years before moving to his home on Chillicothe Road. He wants to rectify a situation created by his father, who built the residence on the property and then built another home on the same lot. Mr. Rogers stated there was a variance for that second home granted at that time. Recently it has become an issue as far as who lives there, the status and value, which has created a hardship for his family that he wishes to resolve.

Mr. Rogers said the two homes are 60 feet apart which does not conform to the zoning requirement. When this was done it became the subject of a law suit between he and his father, because he felt the second home should be placed on the adjacent parcel, since there are three parcels making up the lot. His father did not do this, and now Mr. Rogers said he cannot move the home due to its masonry construction, and it is too valuable to tear down.

Mr. Rogers said one of the variance criteria is yield and return, the main issue being the pre-existing uses permitted by the Township regarding placement of two homes on one parcel. The property was transferred to him by the Probate Court, in 1997 he financed it through a bank that valued it at \$975,000 with two homes. He later refinanced it again and due to banking changes the value of the second home was not considered. Now lenders will not even consider a property with two homes, and he cannot refinance it at this time. One lender will do a lien release if the lot lines are restructured so there is one home on each parcel. Mr. Rogers said he would like to take the residual acreage and create two more lots so there will be four three-acre lots in accordance with the spirit and letter of the Zoning Resolution. He has spoken informally with the Geauga County Planning Commission about putting in a cul-de-sac road to create four lots through the subdivision regulations, which would be acceptable to the G.C.P.C., but he does not want to do that.

Another alternative, according to Mr. Rogers, would be a Planned Residential Development, which allows for lots to be reduced in size on a property of at least 20 acres, although this lot does not have 20 acres. Mr. Rogers stated he proposes keeping within the three-acre requirement with lot lines that conform to the topography and riparian limitations. The neighborhood is R-3 but with many 1.5-acre lots. He presented an Access Geauga printout showing the contiguous lots with their acreage and values and said there is not a big difference in value between five acre and two acre lots. He said the lots he is proposing are in the same spirit as the surrounding lots, which are also not rectangular shaped. In drawing up the proposed lots he had to consider the riparian corridors, ravines and the topography. There are perfect locations at the back of two of the lots to place homes, consistent with other homes in the area.

Mr. Rogers explained that access to the two homes is by a 12-foot wide driveway that is 32 feet wide at the street. There is 40 feet of two-foot pipe under it. He showed photos of the drive and his car to show that there is plenty of access to the driveway. He said the turnaround is 60 feet of gravel between the two homes, and showed a photo of a large dump truck that goes up the driveway with 20 tons of gravel to maintain it, and can turn around and go back. It is the same size as a fire truck.

Mr. Rogers asked for the board's and neighbors' assistance to resolve the problems with the lot so they will not continue over the generations with two homes on a lot that cannot be financed. He stated that his

hardships are the historic placement of two homes, riparian and topographic uniqueness, placement of two homes at the same setback from the street, and the surplus acreage on the plot plan. He could change the proposed lot lines if requested to do so, as he has not yet had the property surveyed.

Mr. Gokorsch asked Mr. Machnics if he had any comments. Mr. Machnics said he would like to explain the variance request and give a brief history of the property. The variance is requested to split the 15.1-acre lot at 8230 Fairmount Road into four separate lots. To do so Mr. Rogers is requesting two sideyard variances for 30 feet in lieu of 50 feet required, lot frontage variances and width variances per Section 5.2.B, minimum lot frontage and lot width to be 250 feet in an R-3 zone.

Mr. Machnics then explained the history of the property as shown in his files in the Zoning Office. In 1959 a zoning permit was issued for a new residence to Van Rogers, Peter Rogers' father. In 1965 a zoning permit was issued for a 240-square foot garage. In 1974 a zoning permit was issued for a 39 x 17 foot addition to the residence. In July 1977 a zoning permit was issued for a 1900 square foot "combination garage and barn", where the distance between the barn and the residence was shown in the permit as 56 feet. In May 1978 a letter of complaint from a resident was received by the Zoning Inspector asking him to investigate: 1) a building being constructed primarily as a residence; 2) two houses being built on one lot; 3) this building being built in the front yard since it was in front of the primary building line.

In June 1978, according to Mr. Machnics, the drawings were revised to show living quarters in the barn, and a month later in July 1978 a memo was sent to the Zoning Commission from the Zoning Inspector. This memo stated that after investigation and talking to Van Rogers, the building use was to be "storage, barn, servants' quarters and garage building." Section 2.17 at that time permitted domestic servants housed on the premises, but did not say whether they could or could not be in a second building. The memo also said that the servants' quarters consisted of 700 square feet of the 6000 square feet consisting of three floors. It also stated that although the use was not described in the zoning permit and the floor plan was altered, the Zoning Inspector had found no violation of use as long as the domestic servants were employed on the property and no rent was paid or another family living in the barn. The servants were working on the property and not paying rent. The memo also stated that the barn was in the front yard but had been shown that way on the site plan when the permit was issued.

Mr. Machnics continued, saying that in October 1978 there was a letter from the Chairman of the Zoning Commission to the Zoning Inspector with three comments: 1) The Commission recommended that Mr. Rogers obtain a variance for an accessory building in the front yard; 2) The fact that the barn was shown in front of the residence on the site plan does not make it correct; 3) There may be a misunderstanding regarding servants quarters and whether they may be in the main house or in an accessory building, and the Commission planned to look into a clarification, but two families were not allowed to live on a single property. Mr. Machnics said that continues to this day.

In November 1978 a memo from the Zoning Inspector to the Zoning Commission stated that because the barn was shown on the site plan in the front yard, the objection should have been raised when the application was shown to the Zoning Inspector, and because the application was done in good faith by Van Rogers it was not his responsibility to apply for a variance, which might not be successful. Because the barn was nearly finished there was no re-evaluation by the Zoning Inspector.

Mr. Machnics then stated that in March 2010 he received a complaint from a woman who said she rented one of the units of the residence and there were three other individual families renting at the property, two other families in the main residence and one family in the barn. He met with Peter Rogers on June 3rd and advised him of the complaint to his office and the police department. Mr. Rogers told him that he has servants living in the barn who are not paying rent, and that the residence is a single-family house with only one couple living there. Mr. Machnics said he recommended that he find a solution to the issue of three or four families living on the property. He said it is the position of the Township that right now with two residences that a lot split be done so the two buildings can be considered separate dwellings on two lots. He confirmed that this would require sideyard variances only.

Peter Rogers then stated that of the people living on the property now there is an unmarried couple that lives in the main residence. A woman lives in the other building who is helping him to dispose of some family heirlooms he inherited from his grandfather, and that are stored in that building. Regarding the woman who made the complaint, he said he tried to help her but she has mental issues and has sued many people, and he had to use legal action to force her to leave the property. He said the barn is a dwelling and the issue needs to be resolved with the two homes on one lot, plus the rest of the property is beautiful and needs to be put to beneficial use. He had configured the lots on the site plan to provide over 250 feet width at the locations where the two other houses could be built, and he would obtain updated soil studies. There is one septic tank serving the two homes, and according to a 1999 study there is an area south of the barn that would be exceptional for a septic system, and there is plenty of space on the property for sewage disposal for new homes. He asked that the property be used to its full capability. His personal intent is to retain the two existing homes and to offer one of the other parcels for sale to help pay for ongoing maintenance. He does not want someone else to buy the property and have to request variances from the Township, he has given property to the Township in the past, and he needs this relief.

The Chairman asked for public comments.

Gary O'Kelly, 8270 Fairmount Road, stated he thought the property was a rental property. His concern was that splitting it into four lots would be questionable as far as the watershed. The culvert at the front cannot handle the water now, and his property two lots to the east floods. Most of the lots on the north side of Fairmount Road were five acres until in the early 1970's the owners sold one-and-a-half acres each to the proposed golf course behind which is now the Belle Vernon development. He understood that one reason the golf course is no longer there is that Van Rogers refused to sell any land for it.

Bill Shipitalo, 8247 Fairmount Road, questioned why two more nonconforming homes should be added to the property that already is nonconforming. He felt it did not make sense, and asked why a bank would finance a buyer in an area with nonconforming homes where the two new homes would have the two existing nonconforming homes in front of them.

Domenic Camino, 8185 Belle Vernon Drive, said he was strongly opposed to the variance request. He owns two lots totaling six acres directly behind the subject property, and objected to having homes built by his back yard and with septic systems there. He also spoke for his neighbors who could not attend but had written a letter to the board.

Jacquelyn Mazza, 8156 Fairmount Road, stated she lives adjacent to the subject property to the west, and had been sworn in. She asked if there had been a certificate of occupancy issued for the barn. Mr. Machnics said no. She said there are two addresses at the property and asked if it is in compliance. Mr. Machnics said no. She asked if there are three parcels, and Mr. Machnics said there are, and they are considered one lot. Mrs. Mazza stated she purchased her property because she did not want to live in a development, and felt the proposed changes would negatively affect her property value and privacy. She said they can see the barn from their home at all times of the year, and stated that Mr. Rogers' statement that the structures would not be seen by neighbors was false. She said that splitting the lot into two lots would alleviate the financing issue and allow them to be sold. Splitting them into four lots appears to be trying to optimize the profit. She said she does not want to live next to a development and was strongly opposed to separating the property into four lots.

Tom Clapp, 8265 Fairmount Road, stated he lives across the road and that he had been sworn in. He stated that the water flows directly into his house. He has been working on the water issues for 17 years. Due to development across the street and raising the road everyone's water goes downhill across the street into his yard. Six years ago he buried 350 feet of two-foot pipe through his property. He said he did not object to splitting the property into two lots, but did object to making four lots since there is nowhere for the water to go. He has spent \$30,000 trying to keep his house dry, and was very concerned at the outcome if more houses are built.

Margie Clapp, 8265 Fairmount Road, confirmed she was sworn in and questioned why, when the property is already not in compliance with the zoning, it should now be allowed to have a development and bypass more rules.

Dave Watson, 8283 Fairmount Road, said he could attest to the fact that the Clapps have had a flooded basement as he has helped them with it. He said Mr. Rogers' primary concern seems to be that he cannot finance the lots without splitting them into two lots. Mr. Watson said he objected to the additional impact to the land, and that the water issues are of great concern to him and to his neighbors on the south side of Fairmount Road, since all the water flows downhill through their properties.

Betsy Rader, 8283 Fairmount Road, stated she had been sworn in, and that her concern was the one septic system serving a multi-unit house and a second house, and she hoped that the Geauga County Department of Health would look into the effluent going into her water table, well, and going downhill into her creek and pond. They have lived in their century home for eleven years and the creek runs into their pond to the Chagrin River, but the water flow has increased so the land is eroding between the creek and pond in a wetland area. Ms. Rader said it is not acceptable to allow more intense development. She stated that the frontage requirements that Mr. Rogers seeks to change are not just to protect water and septic systems, but also to preserve the rural character, property values, and to protect against flag lots that are unattractive and not the look or feel that Russell Township wants.

Tom Mazza, 8156 Fairmount Road, stated there are water issues at his house and upstream, and adding more houses will make it worse. A new buyer of one of the lots could come in and clear all the trees and add to the water problems, and even putting in long driveways will require many trees to be removed. He felt the applicant would benefit from the variances being granted, whereas it will be a detriment to the neighbors.

Dennis Shelby, 8119 Fairmount Road, agreed with his neighbors, and suggested Mr. Rogers could resolve his financial problems by removing the living quarters from the barn or dividing the lot into two lots. He objected to four lots being created because he moved to the area due to the rural acreage.

Gary O'Kelly mentioned that when the County paved Fairmount Road one time it installed a new culvert pipe under Fairmount Road which helped with the water flow for a while. Mr. Rogers cut trees on his property and in the last few years the culvert has been blocked and cannot handle all the water.

Peter Rogers explained that there was one culvert that was blocked for years by a picnic table that came down from Belle Vernon and because he could not get it out it flooded his property. This killed trees, plus in 1980 about 80 trees came down in a tornado. His father had put the driveway in around trees so as to protect them, some being very old. Mr. Rogers said he has never cut down trees deliberately but he had to take out the ones that died. He said he did not want to create a hardship, but although he owns other houses in Russell he does not have other financial resources. Regarding the one septic tank he would have put a second one in but was not allowed to do so.

Tom Clapp commented that he was concerned to hear there were renters across the street, and wondered how many extra vehicles there would be if each home was rented to three families.

Mr. Benning said he lived at the home of Gary Amans, 8254 Fairmount Road, with Mr. Amans' daughter, and Mr. Amans just came out of hospital and asked him to represent him tonight. Mr. Benning stated that Mr. Amans, whose home is next door to the east of Mr. Rogers' property, is concerned about the water issues because his yard is usually wet. Mr. Benning said he can see the existing house across the ravine from his backyard. He was considering buying his house from Mr. Amans and did not support building more houses there because of the disturbance to wildlife, and if they become rental units it will hurt property values.

There being no further comments, *Mr. Madden moved to close the public hearing, Dr. Lerner seconded and the motion passed unanimously.*

