

Minutes: Russell Township Board of Zoning Appeals  
Russell Fire-Rescue Station  
October 3, 2011

Present: Steve Gokorsch, Chairman  
William Downing  
Charles Johns  
John Rybak  
Diana Steffen, Secretary

Fred Cuffari was absent with apologies.

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

**MINUTES OF SEPTEMBER 12, 2011** – *Mr. Johns made the motion to approve the minutes as submitted, Mr. Downing seconded and the motion passed unanimously.*

**FINDINGS OF FACT #462 SEABROOK** – *Mr. Downing made the motion to approve the Findings of Fact #462 as submitted, Mr. Johns seconded, and upon roll call the vote was Mr. Downing – yes, Mr. Johns – yes, Mr. Rybak – yes, Mr. Gokorsch – yes, and the motion passed unanimously.*

**DISCUSSION – TOWNSHIP AUTHORITY RE. ISSUANCE OF ZONING CERTIFICATES** – Mrs. Steffen had asked legal counsel how the board should handle appeals where there are violations on the applicant's property that are not connected to the appeal, and whether the Township can deny a variance or zoning permit due to these other violations. Ms. Salem had advised that the Township does not have the authority to deny a permit for a building that complies with zoning just because there are other violations on the lot, or it thinks the applicant may use the building for something other than what he says. Existing violations should be dealt with separately, and the Township should accept the applicant's statement as to the proposed use. If later the Zoning Inspector notices that the use is not as stated then he may issue a violation notice. Ms. Salem did discuss this with Mr. Machnics, and had said he could use his discretion as to issuing a zoning permit.

Mr. Gokorsch said the board needs to be clear that it should take an appeal at face value, and that unconnected violations are not within its purview and should not be considered when deciding whether to grant a variance. Violations should not be blended with an applicant's request.

**OTHER BUSINESS** – Mrs. Steffen explained that the County Model Zoning Resolution has been amended, and one change is to reflect the Ohio Revised Code regarding revocation of conditional use certificates. These may be revoked only for extraction of minerals, and the Zoning Commission is considering amending the Zoning Resolution accordingly. This will leave any violations of the conditions of a conditional use certificate to the Zoning Inspector to handle rather than the Board of Zoning Appeals. Other townships place a time limit on conditional use certificates and require a holder to return to the B.Z.A. after a set time to apply for a new one. This gives the Township the opportunity to ensure the holder is adhering to the conditions.

Upon discussion the board members agreed they would like to have the authority to put an expiration date on conditional use permits. Mr. Johns said that an attorney at a recent workshop had said that a conditional use that is perpetual is not a good idea. Mrs. Steffen said that David Dietrich, Geauga County Planning Commission, recommends time limits. Mr. Rybak mentioned that maintenance of retention ponds in planned residential developments can be a problem, and this would be a way to compel the homeowners associations to maintain them. Mr. Johns asked if the board could have the discretion to set the length of conditional use permits, rather than the Zoning Resolution setting a specific time limit. Mr. Downing suggested contacting Bainbridge and Chester townships to ask what they have learned, since they both must handle many conditional uses. Mr. Gokorsch asked Mrs. Steffen to report back to the Zoning Commission that the B.Z.A. would like to have the authority to set time limits, with the suggestions noted.

Mrs. Steffen handed out revised zoning maps showing two new subdivisions.

There being no other business, Mr. Downing moved to adjourn, Mr. Johns seconded and the meeting adjourned at 7:44 p.m.

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Diana Steffen  
Secretary

Date

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Steve Gokorsch  
Chairman

Date