

Minutes: Russell Township Zoning Commission  
Russell Fire-Rescue Station  
April 25, 2012

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

Also in attendance: Ric Machnics, Zoning Inspector.

The Chairman called the meeting to order at 7:39 p.m.

**MINUTES OF MARCH 28, 2012** – *Mr. Murphy moved to accept the minutes as corrected, Mr. Kotowski seconded and the motion passed unanimously by 4-0. Mr. Warren abstained due to his absence from that meeting.*

**DEFINITION OF FAMILY** – Mr. Snyder reported that the County Model definition, with modifications made by Mr. Murphy, has been reviewed informally by David Dietrich of the Geauga County Planning Commission, and Mr. Dietrich sent an email stating that he found the proposed definition acceptable. Mr. Murphy said that the current definition needs to be changed and this is an effort to make it as close to the County Model definition as possible. Commission members indicated they were satisfied with the proposed definition.

#### **INITIATE AMENDMENTS**

##### **#2012-1 Section 5.2.B Corner Lot Clarification**

Mr. Snyder noted that the Commission has added language regarding a corner lot to clarify that the side yard fronting on a street shall be subject to the same restrictions as a front yard. Existing language is ambiguous.

*Mr. Murphy made the motion that an amendment to the Russell Township Zoning Resolution, identified as number 2012-1, consisting of one page marked Exhibit A, modifying language on corner lots, be hereby initiated by the Russell Township Zoning Commission this 25<sup>th</sup> day of April, 2012. Mr. Warren seconded and upon roll call the vote was Mr. Murphy – yes, Ms. Weiss Carson – yes, Mr. Kotowski – yes, Mr. Warren – yes, Mr. Snyder – yes, and the motion passed unanimously.*

*Mr. Murphy made the motion that the Russell Township Zoning Commission conduct a public hearing on the proposed amendment, identified as number 2012-1, to the Russell Township Zoning Resolution as attached hereto on the 23<sup>rd</sup> day of May, 2012, at 7:30 p.m. at the Russell Fire-Rescue Station, 14810 Chillicothe Road. Mr. Kotowski seconded and upon roll call the vote was Mr. Murphy – yes, Ms. Weiss Carson – yes, Mr. Kotowski – yes, Mr. Warren – yes, Mr. Snyder – yes, and the motion passed unanimously.*

##### **#2012-2 Section 10.15 Division of Land & Consolidation of Lots**

Mr. Snyder explained that the proposed new section is taken from the County Model. Sometimes when a lot is split into two or more lots, a new lot may not comply with Township zoning, but there is no mechanism for the Zoning Inspector to review the lot split before transfer at the County level. This will permit another layer of review and avoid creation of new nonconforming lots.

*Mr. Murphy made the motion that an amendment to the Russell Township Zoning Resolution, identified as number 2012-2, consisting of one page, marked Exhibit A, adding Section 10.15 to the Zoning Resolution, be hereby initiated by the Russell Township Zoning Commission this 25<sup>th</sup> day of April, 2012.*

*Ms. Weiss Carson seconded and upon roll call the vote was Mr. Murphy – yes, Ms. Weiss Carson – yes, Mr. Kotowski – yes, Mr. Warren – yes, Mr. Snyder – yes, and the motion passed unanimously.*

*Ms. Weiss Carson made the motion that the Russell Township Zoning Commission conduct a public hearing on the proposed amendment, identified as number 2012-2, to the Russell Township Zoning Resolution as attached hereto on the 23<sup>rd</sup> day of May, 2012, at 7:30 p.m. at the Russell Fire-Rescue Station, 14810 Chillicothe Road. Mr. Warren seconded and upon roll call the vote was Mr. Murphy – yes, Ms. Weiss Carson – yes, Mr. Kotowski – yes, Mr. Warren – yes, Mr. Snyder – yes, and the motion passed unanimously.*

#### **#2012-3 Section 6.4.B Traffic Impact Study**

Mr. Snyder noted that the new language will provide guidance for the Board of Zoning Appeals in situations where traffic impact studies may be appropriate.

*Mr. Warren made the motion that an amendment to the Russell Township Zoning Resolution, identified as number 2012-3, consisting of two pages, marked Exhibit A, amending the Zoning Resolution paragraph 6.4 General Standards for Conditional Uses, be hereby initiated by the Russell Township Zoning Commission this 25<sup>th</sup> day of April, 2012. Ms. Weiss Carson seconded and upon roll call the vote was Mr. Murphy – yes, Ms. Weiss Carson – yes, Mr. Kotowski – yes, Mr. Warren – yes, Mr. Snyder – yes, and the motion passed unanimously.*

*Mr. Kotowski made the motion that the Russell Township Zoning Commission conduct a public hearing on the proposed amendment, identified as number 2012-3, to the Russell Township Zoning Resolution as attached hereto on the 23<sup>rd</sup> day of May, 2012, at 7:30 p.m. at the Russell Fire-Rescue Station, 14810 Chillicothe Road. Mr. Murphy seconded and upon roll call the vote was Mr. Murphy – yes, Ms. Weiss Carson – yes, Mr. Kotowski – yes, Mr. Warren – yes, Mr. Snyder – yes, and the motion passed unanimously.*

#### **#2012-4 Section 2 Definition of Family**

Mr. Snyder noted that this amendment will replace the current definition of 'family' with the definition that was discussed earlier in the meeting.

*Mr. Murphy made the motion that an amendment to the Russell Township Zoning Resolution, identified as number 2012-4, consisting of one page, marked Exhibit A, amending Section 2 to replace the current definition of 'family' with a new definition, be hereby initiated by the Russell Township Zoning Commission this 25<sup>th</sup> day of April, 2012. Ms. Weiss Carson seconded and upon roll call the vote was Mr. Murphy – yes, Ms. Weiss Carson – yes, Mr. Kotowski – yes, Mr. Warren – yes, Mr. Snyder – yes, and the motion passed unanimously.*

*Ms. Weiss Carson made the motion that the Russell Township Zoning Commission conduct a public hearing on the proposed amendment, identified as number 2012-4, to the Russell Township Zoning Resolution as attached hereto on the 23<sup>rd</sup> day of May, 2012, at 7:30 p.m. at the Russell Fire-Rescue Station, 14810 Chillicothe Road. Mr. Warren seconded and upon roll call the vote was Mr. Murphy – yes, Ms. Weiss Carson – yes, Mr. Kotowski – yes, Mr. Warren – yes, Mr. Snyder – yes, and the motion passed unanimously.*

#### **#2012-5 Section 2 and throughout the Zoning Resolution, change Clerk to Fiscal Officer**

Mr. Snyder explained that the State of Ohio changed the title of the Clerk of the Township to Fiscal Officer, and this amendment will reflect this change in the seven instances that 'Clerk' is mentioned in the Zoning Resolution.

*Mr. Kotowski made the motion that an amendment to the Russell Township Zoning Resolution, identified as number 2012-5, consisting of three pages, marked Exhibit A, replacing 'Clerk' with 'Fiscal Officer' throughout the Zoning Resolution, be hereby initiated by the Russell Township Zoning Commission this 25<sup>th</sup> day of April, 2012. Mr. Murphy seconded and upon roll call the vote was Mr. Murphy – yes, Ms.*

Weiss Carson – yes, Mr. Kotowski – yes, Mr. Warren – yes, Mr. Snyder – yes, and the motion passed unanimously.

Mr. Murphy made the motion that the Russell Township Zoning Commission conduct a public hearing on the proposed amendment, identified as number 2012-5, to the Russell Township Zoning Resolution as attached hereto on the 23<sup>rd</sup> day of May, 2012, at 7:30 p.m. at the Russell Fire-Rescue Station, 14810 Chillicothe Road. Mr. Warren seconded and upon roll call the vote was Mr. Murphy – yes, Ms. Weiss Carson – yes, Mr. Kotowski – yes, Mr. Warren – yes, Mr. Snyder – yes, and the motion passed unanimously.

## LAND USE GUIDE PLAN UPDATE

**Demographic Trends & Projections** – Mr. Kotowski said he had found that as of the 2010 Census the number of households in Russell had dropped by 13 but the population dropped by two hundred. Since five houses were built in 2010 there were 13 to 18 vacant houses that were not previously vacant. Mr. Murphy asked if it would be possible to determine the number of abandoned or demolished houses. Mr. Kotowski discussed numbers of vacant homes that he had obtained from the Census. Mr. Snyder asked Mr. Kotowski to establish an approach to use to estimate the number of new houses that can be built before the Township reaches build-out. The Commission and Mrs. Steffen will then assist in compiling this information. The Commission also discussed the number of rental properties in the Township in comparison to ten years ago.

Mr. Murphy said that there has been a considerable reduction in buildable acreage due to conservation easements and preservation of land for open space. Mr. Snyder said that it will be important to include data on this in the updated Guide Plan, since the residents asked for preservation of land, and through public and private efforts this has happened. It has important consequences for Russell's zoning.

Action Item: Mr. Kotowski will 1) propose an approach to use to estimate the number of new houses that can be built before build-out is reached; 2) talk to David Dietrich to try to validate the numbers regarding vacant homes, rental properties, and the number of households versus population; 3) ascertain how many rental homes there are compared to ten years ago. Mrs. Steffen and the rest of the Commission will assist Mr. Kotowski in estimating build-out both in compliance with zoning and by acreage.

**Environmental Infrastructure** – Mr. Warren said he spoke to Dr. Yoram Eckstein, who said he is still consulting and would be interested in doing a project for the Township. He would prefer to do so during the summer when he is not teaching at Kent State University. Mr. Warren had explained that the Commission is interested in discussing the vulnerability of the aquifer and surface contamination, and Dr. Eckstein said he recollected that due to the types of soils in the Township the aquifer is exceptionally vulnerable. He had given the Township a proposal in 1996 for a study on the vulnerability of the aquifer, but the Township did not have the funds available at that time to move forward with such a study.

Mr. Warren said that Dr. Eckstein was retained to perform an analysis of the well blow-out in Bainbridge, and had said he could perform a similar analysis for the Township. The Commission discussed horizontal gas and oil well drilling, underground contamination and surface contamination. Mr. Warren suggested that the best protection for the Township will be to establish a baseline of the water quality of the aquifer now in the event of future contamination due to oil and gas well installation and operation. Mr. Murphy said he would like to see a proposal on what the Commission would expect Dr. Eckstein to do. Mr. Snyder said that it will be less expensive to have Dr. Eckstein work on a study over the summer. He suggested that Greg Studen, who was Zoning Commission Chairman during the previous update, be contacted, followed by a meeting by Commission members with Dr. Eckstein to formulate an action plan.

Action Item: Mr. Warren to contact Mr. Studen regarding the 1996 proposal from Dr. Eckstein. Mr. Warren to determine what data the County can provide as far as water well data and a direction for Dr. Eckstein to take. Mrs. Steffen to copy for the Commission Dr. Eckstein's analysis of the Bainbridge gas well blow-out.



**RUSSELL TOWNSHIP**  
**Amendment # 2012-1**  
**Exhibit A**

**Initiated: April 25, 2012**  
**Adopted: \_\_\_\_\_**  
**Effective: \_\_\_\_\_**

*Amend the Russell Township Zoning Resolution, Section 5 Zone and Overlay District Regulations, paragraph 5.2.B as follows:*

*At the third asterisk below the chart add clarifying language:*

B. Dimensions which apply to lot size and building placement in residential zones:

(Amended May 21, 1993 - Amendment No. 93-2; November 15, 2002 - Amendment No. 2002-1)

	Pre-Existing Lots of Record Under 3 acres in R-3 or R-5 Zone	R-3 Zone	R-5 Zone
Minimum Lot Area*	60,000 sq. ft.	130,680 sq. ft 3 acres	217,800 sq. ft 5 acres
Minimum Lot Dimensions			
Width	150 ft.	250 ft.	300 ft.
Depth	200 ft.	225 ft.	275 ft.
frontage**	100 ft.	250 ft.	300 ft.
Minimum Yard Dimensions			
front depth	70 ft.	100 ft.	125 ft.
rear depth	25 ft.	75 ft.	100 ft.
side width***	30 ft.	50 ft.	50 ft.
Maximum Lot Coverage		10% of lot area for lots of 3 acres or greater	10% of lot area for lots of 3 acres or greater

\* Except for conditional uses approved in accordance with Section 6.

\*\* Cul-de-sac lots in accordance with Section 4.5.

\*\* On a corner lot the frontage along each street shall meet the minimum frontage requirement for that lot. (Amended May 15, 1998 - Amendment No. 98-1)

\*\*\*The side yard on the street side of a corner lot shall be the same as the front yard required for that street, and subject to the same restrictions as the front yard. (Amended May 21, 1993 - Amendment No. 93-2; \_\_\_\_\_ - Amendment No. 2012-1)

On pre-existing lots under three acres, public buildings are permitted provided that no building or facility shall be located less than one hundred (100) feet from any lot used for residential purposes and that all parking and service and storage areas be screened with fencing, hedges, or other appropriate means, from all adjacent property and streets.

**RUSSELL TOWNSHIP  
Amendment # 2012-2  
Exhibit A**

**Initiated: April 25, 2012  
Adopted: \_\_\_\_\_  
Effective: \_\_\_\_\_**

*Amend the Russell Township Zoning Resolution, Section 10 Conformance and Enforcement, by adding new paragraph 10.15 as follows:*

10.15 Divisions of Land and Consolidations of Lots – The Zoning Inspector shall review proposed divisions of land that are not subject to platting and consolidations of lots of record pursuant to the "Subdivision Regulations of Geauga County, Ohio" and sign and date the survey plat with the appropriate language thereon to ensure proof of compliance with the applicable provisions of this Resolution.

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*Amend the Russell Township Zoning Resolution, Section 6 Conditional Use Regulations, paragraph 6.4 General Standards for Conditional Uses, adding traffic impact study language as shown in redline as follows:*

**6.4 General Standards for Conditional Uses:**

In addition to the specific requirements for conditional uses specified in this section, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards:

- A. The location, size and intensity of the proposed use shall be considered in relationship to the size and location of the site.
- 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.

A traffic impact study, based on accepted practices and conducted by a professional engineer or other qualified entity, may be required by the Board of Zoning Appeals in order to:

- 1. Forecast additional traffic and/or new traffic patterns associated with the proposed use, and to ascertain whether the existing transportation network can safely accommodate the proposed use.
- 2. Determine if any public improvements are necessary to accommodate or reduce negative impacts created by the proposed use.
- 3. Allow the community to assess the impacts that the proposed use may have.
- 4. Ensure safe and reasonable traffic conditions on roads after the proposed use is complete.
- 5. Protect the substantial community investment in the road system.
- 6. Provide other traffic and/or pedestrian related information deemed necessary by the Board of Zoning Appeals.

- 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.
- D. The type, size, location and number of proposed signs are in accordance with the provisions of Section 4.11 of this Resolution.

- E. The proposed use will be compatible with the township land use plan.
- F. The proposed use will not be hazardous or disturbing to existing or future neighboring uses.
- 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.
- 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.
- 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.
- J. The proposed use will not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance.

**RUSSELL TOWNSHIP**  
**Amendment # 2012-4**  
**Exhibit A**

**Initiated: April 25, 2012**  
**Adopted: \_\_\_\_\_**  
**Effective: \_\_\_\_\_**

*Amend the Russell Township Zoning Resolution, Section 2 Definitions as follows:*

*Delete in its entirety:*

**Family** – Any group containing up to but not over five (5) people, except that all people in the group who are related by blood, marriage or adoption shall be counted as one family.

*and replace with:*

**Family - One (1) or more persons related by blood, adoption, guardianship or marriage, living together, exclusive of live-in hired employees. A number of persons but not exceeding five (5) living as a single economic unit and cooking together as a single housekeeping unit though not related by blood, adoption, guardianship or marriage shall be deemed to constitute a family, exclusive of live-in hired employees. A family shall not include any society, club, fraternity, sorority, association, lodge, federation, coterie, or a like organization; any group of individuals whose association is temporary or seasonal in nature; and any group of individuals who are in a group living arrangement as a result of criminal offenses.**

*Amend the Russell Township Zoning Resolution to replace "Clerk" with "Fiscal Officer" throughout as follows:*

**1) Section 2 Definition of Terms**

**2.1 Words and Terms Defined**

~~Clerk~~**Fiscal Officer** – The duly acting elected ~~Clerk~~**Fiscal Officer** of Russell Township.

**2) Section 5 Zone and Overlay District Regulations**

**5.9 WTTO – Wireless Telecommunication Tower Overlay District**

**F. Public Utility Exemption**

5.c. If the Board of Township Trustees receives notice from a property owner under Subsection 5.b.i of this Section within the time specified in that Subsection, or if a Trustee makes an objection to the proposed location of the telecommunications tower within fifteen (15) days after the date of mailing of the notice sent under Subsection 5.b.ii of this Section, the Board of Trustees shall request that the ~~Clerk~~**Fiscal Officer** of the Township send the person proposing to construct the tower written notice that the tower is subject to the regulations of this Zoning Resolution. The notice shall be sent no later than five (5) days after the earlier of the date the Board of Trustees first receives such a notice from a property owner or the date upon which a Trustee makes an objection. Upon the date of mailing of the notice to the person, the provisions of this Zoning Resolution shall apply to the tower without exception. If the Board of Township Trustees, however, receives no notice under Subsection 5.b.i of this Section within the time prescribed by that Subsection or no Trustee has an objection as provided under this Subsection 5.c. within the time prescribed by this Subsection, the applicant will be exempt from the regulations of this Zoning Resolution.

**3) Section 6 Conditional Use Regulations**

**6.1.E Action by Board of Zoning Appeals**

3. The date of the filing with the ~~Clerk~~**Fiscal Officer** of the written decision by the Board of Zoning Appeals shall be the date of entry as provided in O.R.C. 2505.07 for the purposes of appeal to the Court of Common Pleas pursuant to O.R.C. Chapter 2506.

4) **6.5.D Private or Commercial Recreational Areas**

21.B. Whenever an Applicant is required by this Section 6.5 to pay to the Township the actual cost of review involving expenditures by the Township for the engagement of experts and consultants such as attorneys, agronomists, environmental scientists, engineers, architects, hydrogeologists, and other professionals, the Applicant shall have the right to appeal to the Trustees the amount of the actual cost of review charged to the Applicant. The appeal shall be initiated by the Applicant within thirty (30) days after the actual costs of review are invoiced to the Applicant by the Township, (which invoice shall be provided no more than thirty (30) days after any deposit by the Applicant is utilized to reimburse the Township for the actual cost of review), by the filing of a written Notice of Appeal with the ClerkFiscal Officer of the Trustees, together with a deposit of an official bank check, or certified check, or cash, in the full amount of the actual cost of review which the Applicant disputes in the event there are insufficient or no funds on deposit to cover the actual costs of review in dispute. Such deposit shall thereafter be held by the Township until such time as the Trustees render their decision as set forth below. The Notice of Appeal shall set forth a written summary of the Applicant's grounds for disputing such actual cost of review. In the event the actual cost of review being disputed involves the services of an expert or consultant hired by the Township, such person or firm shall be provided with a copy of the Notice of Appeal and the written summary of the grounds of dispute and such person or firm shall thereafter file within fifteen (15) days, a written response to the Applicant's grounds for appeal. No later than forty-five (45) days after the filing of a Notice of Appeal, the Trustees shall conduct a hearing relative to the Applicant's appeal. The Trustees shall afford the Applicant and any affected expert or consultant retained by the Township the opportunity to present witnesses and to cross-examine evidence of other parties to the proceeding. The Trustees shall thereafter determine, by a majority vote, whether the Applicant has demonstrated, by a preponderance of the evidence, that the actual costs of review are unreasonable. Reasonableness shall be determined based upon the following factors:

5) **Section 9 Board of Zoning Appeals**

9.11 A precipe for a subpoena may be filed by any party to a proceeding before the Board, or by any person entitled to notice of such proceeding or by an attorney or representative of such party or person. Witnesses may be subpoenaed and their attendance compelled within Geauga County, Ohio. Fees shall be allowed to witnesses on their certificates and shall be paid by the treasurer of the Township on warrants issued by the ClerkFiscal Officer for attendance and travelling, as is provided in Section 2335.06 of the Revised Code of Ohio for witnesses in courts of record. Such fees and travel allowance shall be taxed as costs of the appeal or proceeding. The Board may require a deposit for the subpoena of any witness at the time of filing of the precipe, but no deposit shall be required in the case of a witness subpoenaed on behalf of an administrative officer or the Township. The Township police department shall be responsible for the serving of subpoenas and enforcement of the Board's orders.

**6) Section 10 Conformance and Enforcement**

10.9 **Fees** - The Inspector shall collect the amount of fee for each application for a certificate, variance, or appeal as shall be fixed from time to time by the Trustees in accordance with this Resolution and shall pay the same over to the ~~Clerk~~Fiscal Officer of Russell Township within twenty-four (24) hours. The Trustees may adopt regulations covering reimbursement for copies of minutes, Zoning Resolutions, or other materials.