

Minutes: Russell Township Zoning Commission
Russell Fire-Rescue Station
May 26, 2010

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

Also in attendance: Ric Machnics, Zoning Inspector.

The Chairman called the meeting to order at 7:35 p.m., and announced that he was changing the agenda to allow Al Klauss, the Hemlock Hills Homeowners Association liaison to Russell Township, to speak first.

MINUTES OF APRIL 28, 2010 – *Mr. Murphy made the motion to accept the minutes as presented, Mr. Kotowski seconded and the motion passed unanimously.*

AL KLAUSS, HEMLOCK HILLS HOMEOWNERS ASSOCIATION – Mr. Klauss was in attendance to discuss solar panels and wind turbines. He said he had noticed a large solar panel and small windmill in the back yard of a residence on S.R. 87. He handed out photos he had taken and said he supported reducing energy costs but also wanted to be sure there were appropriate zoning regulations to cover the newer technologies. He asked that they would be considered a structure. Mr. Machnics said the solar panels are considered structures and he has written to the homeowner to ask him to apply for a zoning permit. Mr. Klauss suggested adding solar panels to the definition of "structure" so it is obvious to residents that a permit would be necessary. Mr. Murphy explained that the Commission has occasionally discussed solar panels over the past year and felt they are a structure, so do need a zoning permit.

Mr. Klaus asked whether there is anything in the zoning regulations to deal with windmills. Mr. Snyder said there is a 36-foot height limit. The Geauga County Planning Commission has written a model zoning code for wind turbines which limits height and setbacks.

Ms. Bruzas said that since solar panels and wind turbines are usually tied into the electrical system, Geauga County would be the appropriate department to contact about this subject. She said she is in favor of researching this topic.

Action item: Ms. Bruzas will discuss the topic with the Geauga County Building Department.

CONSERVATION EASEMENT ZONING – Following last meeting's discussion with Ed Meyers, General Counsel of the Western Reserve Land Conservancy, Mr. Murphy asked the Commission how it would like to proceed. Both Mr. Meyers and David Dietrich had been adamant that

easement owners should request a rezoning if they wished, and not have it imposed by the Township. It was agreed that the next step should be to write to conservation easement holders to find out if there is any interest in a new conservation zone for their properties. A self-addressed postcard could be included for reply. There was concern about privacy issues since conservation easements are private agreements, and that some owners may be elderly and find the issue complex. Ms. Bruzas expressed concern about the property tax situation in the County, since the Auditor does not reduce taxes when there is a conservation easement. Mr. Snyder said there may be some other tax advantages.

Action item: Mr. Murphy will compose a letter to easement holders and send it out to the Commission for review.

FOOD SERVICE OPERATIONS – The Commission completed its review of Mr. Kotowski's and Mrs. Steffen's suggested revisions to the draft amendment.

Action item: Mrs. Steffen will redraft the amendment to incorporate all the changes.

ESTABLISHMENT OF ZONES – Mr. Snyder said Mr. Dietrich strongly recommends legal descriptions of properties in the commercial zones be included in the Zoning Resolution. He says that is now recommended by the County Prosecutor's Office. Mr. Snyder looked into the history behind it. He found that there were descriptions in the Resolution until the 1992 revision, so he spoke to former Zoning Commission Chairman Greg Studen who said that at that time Forrest Burt was the Township's Assistant County Prosecutor. Mr. Burt had been adamant that such descriptions were not accurate and should not be in the Zoning Resolution. So after discussion the Commission had agreed to use the Zoning Map with lot lines and parcel numbers. This works for Russell but may not work for some other townships. Mr. Snyder said he then asked Mr. Dietrich why the Prosecutor's Office has now changed its recommendation, and was told that the map was adequate before conveyance standards were put in place. Mr. Snyder said that Section 3.2 states that the Zoning Map shall be used to establish each zone and overlay district.

The Commission discussed this and felt legal descriptions could have errors that might prompt an attorney to say the zoning is invalid because the legal description is wrong. It was agreed that an accurate list of parcel numbers with the volume and page numbers of deeds with the legal descriptions held by the County Recorder should suffice. Mr. Dietrich has said he will ask the Prosecutor's Office if there is any case law on this topic.

Action item: Mr. Snyder will put together a list of the zones with appropriate language to send to the Geauga County Planning Commission.

OTHER BUSINESS – Mr. Kotowski mentioned he spoke with Trustee Jim Dickinson who questioned the use of the land if Laurel School ever sells its property, since there is now a package plant there. Mr. Machnics said the school has a conditional use permit for a school that would terminate if the land was transferred, so the land would revert back to residential

