

Minutes: Russell Township Zoning Commission
Russell Fire-Rescue Station
September 28, 2011

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

Also in attendance: Ric Machnics, Zoning Inspector.

MINUTES OF AUGUST 24, 2011 – *Mr. Madden made the motion to accept the minutes as presented, Mr. Murphy seconded and the motion passed unanimously.*

RECENT CHANGES TO THE COUNTY MODEL ZONING RESOLUTION – The Commission discussed which of the changes should be considered for amendment:

- Purpose of the Zoning Resolution – The new wording follows the Ohio Revised Code. Mr. Murphy has reviewed it previously but said he will do so again.
- Certified Foster Homes – Per the O.R.C. these must be permitted in the Township. Mr. Madden said that the new definition of family that he has proposed includes "by legal action" for an unrelated family, and this would cover foster homes. No change will be necessary.
- Riparian Setbacks – The County Model recommends a cross reference to the riparian setback regulation in each of the zone district sections. The Commission agreed not to do this since there are no other cross references in the Zoning Resolution, and this would set a precedent requiring other sections to be cross referenced.
- Student Bus Shelters – Similar additional wording is already included in the draft amendment for Permitted Structures, Buildings and Uses in the Front Yard.
- Revocation of Conditional Zoning Certificate – Since O.R.C. Section 519.14 (D) gives authority to townships to revoke a conditional zoning certificate for extraction of minerals only, the County Model has been changed to reflect this. In order to have some control over conditional zoning certificates, other townships in the county use a system of time limits on them and require businesses to apply for a new certificate at expiry. Mrs. Steffen said that Russell has very few conditional zoning certificates, mostly churches and the gas station that existed before conditional uses were required. Over the last several years only Laurel School and some Planned Residential Developments have applied for conditional uses. Mr. Machnics said he felt it would be very difficult to require P.R.D.'s to return to the Board of Zoning Appeals on a regular basis, and there have been no problems to date. Mrs. Steffen will discuss this with the B.Z.A.
- Enforcement – New language has been added to require any proposed division of land and consolidation of lots to be approved by the zoning inspector before the land transfers. David Dietrich worked on this with the county zoning inspectors, since lots splits were being recorded that did not always conform to zoning. It was agreed to add this to the Zoning Resolution.
- Water Management & Sediment Control – Mr. Machnics said that the Geauga Soil & Water Conservation District has revised its regulations to have control over more earth disturbance situations. The changes reflect this, but the Commission agreed that the G.S.W.C.D. regulations do not need to be put in the Zoning Resolution.

Action Item: Mr. Murphy to review the Purpose of the Zoning Resolution again. Mrs. Steffen to seek the B.Z.A.'s thoughts on requiring 'renewal' of conditional zoning certificates, and she will prepare a draft amendment regarding the Enforcement language. Mr. Snyder to ask the Chagrin River Watershed Partners about the changes to the W.M.S.C. section.

RETAIL FOOD SERVICE OPERATIONS – Mr. Kotowski had revised the draft amendment to take into account the Geauga County Planning Commission's comments, Chester Township's outdoor dining regulation, and changes previously agreed by the Commission. He had also removed one sentence regarding parking, and on further thought removed the regulation of hours of operation and of loading and deliveries. Mr. Murphy suggested requiring a traffic study as part of the conditional use application. In #3 'information' was changed to 'confirmation'. Due to possible misunderstanding for buffer zone requirements, #9.a and b. will be rewritten as one paragraph.

Mrs. Steffen reminded the Commission that the C-S zone must be divided into two districts and the Zoning Map will need to be amended as part of this amendment. Mr. Snyder asked if there are other uses that can be added to the list of permitted uses on lots serviced by sanitary sewers within the 208 service plan area in the proposed C-S 1 district.

Action Item: Mr. Snyder will contact the Geauga County Engineer about traffic studies. Mr. Kotowski will revise wording as agreed tonight. All Commission members will think about other uses they might wish to add to the proposed C-S 1 district at S.R. 306/87. With assistance from Mr. Murphy, Mrs. Steffen will draft up language to split the C-S zone.

PERMITTED BUILDINGS, STRUCTURES AND USES IN FRONT YARD – Mr. Snyder explained that this item was started two years ago and then put aside when the Commission had to work on other more urgent topics. He said that the way the Zoning Resolution is written now, nothing is permitted in the front yard. The Commission drafted up an amendment to rectify this and the G.C.P.C. recommended including all the required yards. Mr. Snyder said he would like to work on this topic at the next meeting. He would like the Commission to decide whether to permit items that are permitted in the front yard also to be included in all the required yards, and if children's play equipment should be permitted in the required yards. They also need to review the list of items that do not require a zoning certificate.

Mr. Snyder referred to a court case involving a private road on Cardinal Lane where the court ruled that because Russell's definition of 'structure' did not include roads or driveways they were not regulated by zoning. He would like to discuss whether to tie in such items to the definition of structure.

Action Item: All Commission members to review the draft containing the Planning Commission's informal comments, dated 03/31/09, with reference to the questions noted by Mr. Snyder.

DEFINITION OF FAMILY, DWELLING AND IN-LAW SUITES – Mr. Madden referred to his email of 08/24/11 in which he had suggested definitions of 'Family' and of 'Functional Equivalent of a Family.' To refine the definitions he had used the New York legal memorandum that the Commission had previously reviewed. Including the phrase 'or legal action' encompasses all definitions of a family. The qualifications needed to be considered the functional equivalent of a family address all family relationships and provide guidance to residents and the Township. One of the qualifications is that it must be 'permanent and stable,' and Mr. Snyder asked about another word to replace 'permanent,' suggesting that the commission consider 'non transient.' He also reported that he spoke with the A.A.R.P. which has done work on aging in place and is sending him some documents on this. The representative told him that ADU's (accessory dwelling units), also known as granny flats, are becoming more popular in the United States and that Arlington County, Va., had recently implemented regulations permitting their use. There had been quite a bit of resistance in the form of editorials and letters to the editor in the Arlington media, but once the regulation passed there was no more rancor. Parking studies may be required, and the granny flat must be added on to the residence.

Action Item: Commission members to think about a word to replace 'permanent.' Mr. Snyder will bring information from the A.A.R.P. to the next meeting.

OTHER BUSINESS – In response to a question by Ms. Weiss Carson, Mr. Madden talked about the recently-passed noise resolution. Mrs. Steffen handed out new copies of the Zoning and W.T.T.O. maps showing new subdivisions, plus a flyer for a Phase II educational program on composting.

