

Minutes: Russell Township Board of Zoning Appeals
Russell Township Hall
August 14, 2023

Present: Mr. Steve Gokorsch, Chairman
Mr. Dushan Boucek, Vice-Chairman
Mr. Mark McGrievy
Mr. Bill Downing
Ms. Nicole Mulloy

Also in attendance: Mr. Shane Wrench, Zoning Inspector; Mrs. Cathleen Birli, Zoning Secretary

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

Mr. Gokorsch made the motion to open the public meeting, Ms. Mulloy seconded the motion and it passed unanimously.

Ms. Mulloy made a motion to move Agenda item IV (Public Input) to Agenda item II, Mr. McGrievy seconded the motion and it passed unanimously.

Public Input: Chagrin Heights Subdivision

Ms. Leslie Schroeder, 7685 Claridon Road, Chagrin Falls, 44022. Ms Schroeder stated her home was built in 1955 and she has been living in the home for 23 years. The home has a drainage pond, using Apex piping, the high point starting at her home and drains underground to ponds on some of the seven vacant lots that were sold recently.

Ms. Schroeder is concerned about these seven vacant lots. All the lots are approximately .31 acres. One of the lots does have a home. The other vacant lots take the water from her drainage pond, which travels underground, to another drainage pond on some of these lots. This keeps the street and homes from flooding. She is concerned with the development that some of the connecting ponds on these lots could be disturbed and who will be accountable for the ponds not being disturbed during construction of new homes?

Ms. Schroeder would also like to know the permit process needed to build a home on those lots.

The zoning inspector stated there are no applications submitted for any new homes in the Chagrin Heights area at this time. The permitting process is 1) Driveway permit from Geauga County Engineers' Office; 2) Site plan review from Geauga County Soil & Water; 3) Permitting or Variance application from Russell Township Zoning Department; and 4) Permitting from Geauga County Building Department.

Ms. Schroeder asked if the Geauga County Engineers' office will inspect the drainage ponds? The Zoning Inspector said Yes. They will work with the builders on the pond drainage and ditch culverts for the driveway location.

Ms. Schroeder is concerned about a couple of lots that will flood, along with her home, because the lots topography is lower and who would be responsible if the homes do flood? The Zoning Inspector said he is not sure who would be responsible if that happens.

Mr. Gokorsch stated this is a unique situation since the homes have not been built yet. The Board of Zoning Appeals does not have any jurisdiction over sewer or septic, that is a Geauga County Engineers' Office or Geauga County Building Departments jurisdiction.

Resolution Book Review

The board reviewed Sections 1 through 6 of the Resolution Book that will be presented to the Zoning Commission for review.

Attached are the comments.

The board will resume with Sections 7 through 12 at the next scheduled meeting.

Minutes / Findings of Fact / Approval Letter Variance #552

Mr. Boucek made the motion to accept the minutes, as amended, for Variance #552 from the July 10, 2023, meeting. Mr. Downing seconded the motion and it passed unanimously.

Mr. McGrievy made the motion to accept the Findings of Fact, as amended, for Variance #552 from the July 10, 2023, meeting. Mr. Boucek seconded the motion and it passed unanimously.

Mr. Gokorsch accepted and signed the approval letter for Variance #552.

Other Business

The Board agreed to re-schedule September's meeting from Monday, September 11, 2023 to Monday, September 18, 2023.

There being no other business, Mr. Boucek made a motion to adjourn. Ms. Mulloy seconded, and the meeting adjourned at 9:24 p.m.

Mrs. Cathleen Birli 9/18/23
Mrs. Cathleen Birli Date
Zoning Secretary

Steve Gokorsch 10/15/23
Mr. Steve Gokorsch Date
Chairman

REVIEW COMMENTS: RESOLUTION BOOK – SECTIONS 1 through 6

Section 1: Title, Jurisdiction and Statement of Purpose

1.3 Do we really want to be concerned about “Morals”?

Should the Russell Township Comprehensive Guide Plan be “2035” not “2015” that is shown?

Section 2: Definitions of Terms

2.1 Accessory Building, Structure, or Use: Should we add language to address those circumstances where the owner has two adjacent lots, a house on one and accessory buildings on the other?

Conditional Use: The wording is clunky, suggest “A specific use as listed in this Resolution and classified as a conditional use. Conditional uses require the approval of the Township Board of Zoning Appeals and the issuance of a Conditional Zoning Certificate by the Zoning Inspector”.

District: Should we separately define Zoning District and Overlay District?

Gasoline Service Station: Should convenience stores be identified as a separate definition? Food service should be identified as a separate definition. Today’s gas stations are also convenience stores. Should we clarify that this is allowed?

Glare, direct: Not sure how practical it is to control glare.

Home Occupation: Replace with “Which is”.

Junk Motor Vehicle: What about “Man made items which are deemed no longer valuable or are no longer operable”.

Light Trespass: Should “Exterior” be deleted? Light trespass may be from any fixture.

Lot: Suggest using “A parcel of land which is a lot of record”.

Lot Area: This is a contradiction to legal descriptions of a property and other lot descriptions of a property and other lot descriptions. Most applicants are not sophisticated to subtract the right of way from any lot coverage issues. Percentage of the lot area covered are calculated as Impervious surface area of lot area. Should we define “Impervious surface”?

Personal Property: Personal property for use here is identical too vaguely. Probably also need a separate definition for property based on the current Ohio revised code.

Produce: Isn't produce more general than this list? Should read "Anything grown which is edible" is produce.

Public Utility: It is not clear how the Public Service and Concerns are measured? This could be an issue for the BZA.

Recreational Areas: Why are shooting ranges disallowed?

Riparian Setback: What are the criteria? Does a watercourse need to be flowing all year? Does a wetland need to be wet all year? Should Watercourse and Wetland be capitalized throughout?

Story: A basement can be above grade, including walk out basements. Should basements not be considered a story unless the entire level is mostly below grade?

Section 3: Establishment of Zoning Districts and Official Zoning Map

No Comments

Section 4: General Provisions

- 4.1 Interpretation: Should "Morals" be used?
- 4.4(A) Off Street Parking and Loading/Unloading Areas: Should the number of days be changed to 5 days? This may not be possible for commercial buildings, such as gas stations, 30' should be changed to 10'.
- 4.4(F) Off Street Parking and Loading/Unloading Areas: This requires additional requirement of 60' total width for a double loaded parking width (64' is preferred).
- 4.6(D) Permitted Modifications and Exceptions: Allowed if properly screened, except for required electrical transformer?
- 4.7 Prohibited Buildings, Structures, and Uses in All Zoning Districts: If "Zoning district" is being used, should it be consistent throughout?
- 4.7(B) Mobile Structures: Will research with Prosecutor to change this to a week.
- 4.7(E) Outside Burning: Outside burning of brush should be allowed only per fire department regulations. Many store firewood outside unconcealed.
- 4.7(W) Exterior Lighting: There is no way to regulate glare and there is no one on the board with that expertise. There needs to be a definition for "Direct glare" or a way to measure light intensity off lot. Require a lighting plan be submitted for all new commercial buildings. BZA will need to approve.

- 4.7(ee) Does this include storage pods? Can we out storage pods be allowable as a temporary use?
- 4.7(ff) Short-term Rentals: Are we including Air BNB's?
- 4.8 Private Swimming Pools: Should pool pump and filter equipment be enclosed in sound deafening structures to keep the noise from bothering neighbors?
- 4.11 Signs: Need to expand description and restrictions for "Political signs", including size and removal time limit after elections. Will research with Prosecutor.
- 4.11(F)(2) Professional Signs for Home Occupation: Tie into 5.2(2) defining "Home occupation" rules.
- 4.13(A) This is confusing – if you disturb more than 300 square feet you already need a review plan from Geauga County Soil & Water.
- 4.14 Exterior Lighting: Same issue as "Glare", we cannot measure or enforce.
- 4.17(A)(3) Solar Panels: Conforms with minimum setbacks?
- 4.17(A)(5) Solar Panels: 25' seems too high – research proper height.
- 4.17(C) Wind Turbines: Need some noise limits. Could be annoying for neighbors.
- 4.17(C)(2) Do we mean "Setbacks"?
- 4.17(C)(4) Will there be a maximum tower height?

Section 5: Residential Zones

- 5.2(A) Accessory Dwelling Units: Isn't this update do restrictive, 800' seems small?
- 5.2(A) Minimum Lot Area: Need to clarify "Minimum lot width" dimension. Should be at the front depth setback line or house line, which is different from minimum frontage width. Minimum frontage is at the street line or right of way line. Minimum depth should be from the street line or right of way line.
- 5.2(A) Width Depth Frontage: The minimum dimension we usually consider is the frontage. Too many irregular shaped lots or old narrow lots in the Township.
- 5.2(A) Side Width: Suggest changing to make the front yard face on the major street. Major street is based on traffic flow.
- 5.2(I) Minimum width for a drive and double loaded parking aisle should be 64'.

Section 6: Conditional Use Regulations

- 6.1(E) Conditional Zoning Permit Certificate Required: Should we simply include the signed meeting minutes from the hearing? The minutes should contain the conditions. Suggest this is a courtesy, NOT a requirement, on the Township.
- 6.3(A)(E) Can we strike this? In the hearing we may have questions which cannot be answered if the applicant is not there. It would seem we would want to revoke a certificate in a public hearing, just as we granted it.
- 6.4(7) Lot and Yard Dimensions: Should we specify which is the major street and make that the front yard?
- 6.4(7) Minimum Building Setback: What happened to 70'? Minimum building setback needs to be consistent with all sections throughout, whether it is the Right of way or edge of road. If it is the right of way, we will require a Township wide map identifying all the right of way widths. The term "Project boundary" is used nowhere else and not identified. Revise.
- 6.5(B) Parochial and Private Schools and Institutions: Can we add that activities must be educational for students and family, and not open to the public and excluding sporting events?
- 6.5(C) Churches: Spell out APD and PPD.
- 6.5(C)(7) Parking: Church standard requirements for parking is one space for 2.5 people.
- 6.5(D)(3) Private or Commercial Recreational Areas: Seems like a lot of coverage when talking about 50 acres. Suggest a stepped minimum lot coverage depending on lot size.
- 6.5(F)(1) Service Garage or Gasoline Service Stations: Gas Stations today have convenience stores inside. Service Stations only do repairs. Should we differentiate the two?
- 6.5(I) Adult Oriented Businesses: This was added because the Russell automotive threatened to open a porn shop. Do we still need it? Simplify – Adult oriented businesses are prohibited. Define what these are.
- 6.5(J)(3) Retail Food Service: Would they also mandate the use of grease trap to keep cooking oils out of the water supply? Suggest not mentioning grease traps here.