

Minutes: Russell Township Zoning Commission  
Russell Town Hall  
May 26, 2021

Present: Ben Kotowski, Chairman  
Jim Dickinson, Vice Chairman  
Barry Rogers  
Nathan Wynveen  
Chris Stormann

The meeting was called to order at 7:04 p.m.

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

The public hearing Sunshine Notice was announced in the Chagrin Valley Times and the Geauga Maple Leaf, Thursday, January 21, 2021.

The public hearing for the reading of the Fencing Amendment was announced in the Chagrin Valley Times and the Geauga Maple Leaf, Thursday, May 11, 2021.

*Mr. Dickinson made the motion to accept the meeting agenda, Mr. Wynveen seconded the motion and it passed unanimously.*

### ***Addition*** **Fencing Amendment 4.6(D)**

The Geauga County Planning Commission at its May 11, 2021 meeting voted to approve the proposed Fencing Amendment with recommendations.

The zoning board went through the recommended modifications from the Geauga County Planning Commission and they put together the final draft of the amendment.

They added a definition for "Landscape Wall" to section 2.1 (definitions) of the resolution book.

*Changes to the draft amendment numbers: Shown Below*

#9: The resolution book 5.2(B) chart will be referenced for depth setbacks.

#12: Revised baseball backstops, adding "Other sport courts" to be included in the "Not to exceed the sixteen (16) height" limit.

**Words and Terms Defined**  
**Addition to Section 2.1**

**Fence** – An artificially constructed structure consisting of wood, masonry, stone, wire, metal or any other manufactured materials or combination of materials erected as a boundary or means of protection to enclose, screen or separate areas on a lot.

**Landscape Wall** - An artificially constructed structure constructed of stone, manufactured concrete components or other materials or a combination of materials erected as a boundary, a means of protection to enclose, screen, or separate areas on a lot, or as a means to retain earth. A landscape wall does not provide support for buildings or building components. Landscape wall may also be known or identified as a garden wall.

A “fence” or “landscape wall” shall not include hedges, shrubs, trees or other natural growth or vegetation.

**Permitted Modifications and Exceptions**  
**Addition to Section 4.6(D)**

Addition to Section 4.6(D): Zoning Certificates shall not be required for a fence/ fences or landscape walls.

- 1) Fences, gates, or landscape walls shall be erected outside of the right-of-way of any public or private road.
- 2) Fences, gates or landscape walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road.
- 3) Fences, gates, or landscape walls shall not be unsafe or be in danger of falling.
- 4) No part of any fence, gate, or landscape walls shall extend beyond the

boundary lines of the property being enclosed.

- 5) Electrically charged fences, barbed wire fences or landscape walls shall be prohibited.
- 6) Any fence or landscape walls that is incidental to agriculture is exempt from these regulations.
- 7) Electrically charged fences or landscape walls to protect garden of limited size from wildlife are not prohibited.
- 8) The unfinished side (if any) of the fence or landscape walls along the lot lines, including the structural supports and posts, shall face the lot upon which the fence or landscape walls is constructed.
- 9) Fences, gates, or landscape walls in front yards shall not exceed four (4) feet in height above finished grade as defined in section 5.2(B).
- 10) Fences, gates, or landscape walls other than in front yards, shall not exceed six (6) feet maximum in height above finished grade in residential zones and eight (8) feet maximum in non-residential zones.
- 11) Fencing or landscape walls enclosing tennis courts shall not exceed twelve (12) feet in height above finished grade.
- 12) Fencing or landscape walls enclosing baseball backstops or other sport courts shall not exceed sixteen (16) feet in height above finished grade.
- 13) Fencing or landscape walls around swimming pools refer to section 4.8(C).

*Mr. Dickinson made a motion to accept the modifications to 4.6(D). Mr. Wynveen seconded the motion and it passed unanimously.*

*Mr. Dickinson made a motion for a public hearing on June 23, 2021 for the Fencing Amendment addition to section 4.6(D) and the definition for Landscape Wall to section 2.1 to the resolution book. Mr. Rogers seconded the motion and it passed unanimously.*

## **Billboard Amendment**

The Geauga County Planning Commission, at its May 11, 2021 meeting, voted to deny the proposed Billboard Amendment 6.5(H) with recommendations for resubmittal. Recommendation is to strike through the amendment shown and add delete next to it.

Mr. Kotowski will verify with the Geauga County Planning Commission on this recommendation.

The zoning board will show the definitions for 6.5(H) being deleted and deleting references to billboards from the Sign Amendment sections, 5.3.1(C) and 5.3.2.

The board will start the new application process for the billboard amendment at the June 23, 2021 zoning board meeting.

**These sections will be deleted from the Resolution Book: See Below**

**6.5(H)**

**5.3.1(C)**

**5.3.2(C)**



**6.5. H. Billboards**

Recognizing that billboards may be desirable within the Township to serve the growing population of the area if developed in accordance with the development objectives of the Township and with due regard for the impact of such uses upon traffic flow, adjacent land uses, and the visual character of the area, an application for approval of plans for any such use may be made for land within the Township in accordance with the following standards and requirements:

A billboard shall be classified as a commercial use and may be allowed in any C-S Commercial and Services Zone or O-B Office Building Zone or on any land used for agricultural purposes. Billboards shall be prohibited in all other zoning districts. No billboard shall be located, erected, constructed, reconstructed, enlarged or altered without first obtaining a conditional zoning certificate in accordance with this resolution. Alteration shall not include changing the content or elements of the sign face, or ordinary maintenance of structural components such as painting, and shall not require the issuance of a conditional zoning certificate. (Amended August 20, 2016 – Amendment No. 2016-2)

No application for a conditional zoning certificate shall be approved for a billboard and a conditional zoning certificate issued therefor unless it complies with all of the following conditions. Each billboard shall be subject to the issuance of a separate conditional zoning certificate.

1. There shall be no more than two (2) faces or advertising surfaces on a billboard structure. Each face of a billboard shall be considered a separate sign. The face shall be the readable copy area or panel devoted to advertising purposes visible to traffic proceeding along a road in one direction. There shall not be more than one (1) billboard structure with a maximum of two (2) sign faces on a lot.
2. A billboard shall be the principal use of the lot on which it is located.
3. The sign face area of a billboard shall be included in determining the maximum allowable signage on a lot for the zoning district in which it is located.
4. Billboards shall be spaced a minimum of 250 feet apart. Such spacing shall be measured in all directions from the nearest portion of the proposed billboard to the nearest portion of the next billboard, whether on the same side or opposite side of the road right-of-way. The measurement shall not be limited to the boundaries of the Township where the affected road extends

beyond such boundaries.

5. A billboard shall be set back a minimum of 50 feet from any residential zoning district boundary. The setback shall be measured from the nearest zoning district boundary line to the nearest portion of the billboard.
6. A billboard shall be set back a minimum of 50 feet from an existing residential dwelling, a church or place of worship, a cemetery, a school, a public park or playground, a public library or a daycare center. The setback shall be measured from the nearest lot line to the nearest portion of a billboard.
7. A billboard shall be setback a minimum of 70 feet from any front lot line. The setback shall be measured from the front lot line to the nearest portion of the billboard.
8. A billboard shall be set back a minimum of 30 feet from any side lot line. The setback shall be measured from the nearest side lot line to the nearest portion of the billboard.
9. A billboard shall be set back a minimum of 30 feet from any rear lot line. The setback shall be measured from the nearest rear lot line to the nearest portion of the billboard.
10. A billboard shall be set back a minimum of 250 feet from the intersection of any public roads, measured from the edge of the nearest road right-of-way to the nearest portion of the billboard.
11. A billboard shall be set back a minimum of 100 feet from any building on a lot. The setback shall be measured from the nearest portion of a building to the nearest portion of the billboard.
12. The maximum height of a billboard shall be 25 feet measured vertically from the average finished grade within ten (10) feet of the support base or pole(s) supporting the billboard to its highest point, including any structural members.
13. The maximum sign face area of a billboard shall be 128 square feet (8 x 16 feet).
14. No billboard shall be located on top of, cantilevered, or otherwise suspended from or attached to any building.

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15. A billboard projecting over a driveway shall have a minimum clearance of 10 feet between the lowest point of the sign and the finished driveway grade.
16. A billboard may be illuminated, provided such illumination is concentrated on the sign face and is so shielded as to prevent glare or reflection onto any portion of an abutting road, oncoming vehicles, or a contiguous lot. Any lighting device shall employ lighting of a constant intensity. Flashing, rotating or oscillating lighting shall be prohibited. Illumination shall not interfere with the effectiveness or obscure an official traffic sign, device or signal.
17. A billboard shall not employ any elements which revolve, whirl, spin or otherwise make use of motion.
18. All wiring, fittings, and materials used in the construction, connection and operation of a billboard shall comply with the applicable provisions of the building and electrical codes enforced by the Geauga County Building Department. Proof of compliance with such codes shall be provided by the applicant.
19. The applicant shall demonstrate that the billboard complies with all of the applicable provisions of O.R.C. Chapter 5516 and O.A.C. Chapter 5501.
20. A billboard shall be included in determining the maximum coverage of buildings and structures on a lot for the zoning district in which it is located.
21. A billboard shall not be located within a regulatory floodplain per the latest version of the Federal Emergency Management Agency's Flood Insurance Rate Maps of Geauga County.
22. A billboard shall not be located within a jurisdictional wetland as defined by the U.S. Army Corps of Engineers.
23. The name, telephone number, and address of the owner or lessee shall be permanently shown on the billboard.
24. Billboard sign faces shall be neatly painted or posted at all times and the billboard structure shall be kept in a safe state of repair.
25. A billboard that becomes damaged and is not repaired, or a billboard that is no longer in use, shall be removed within thirty (30) days.



### 5.3.1(C)

C. Conditional Uses - The following conditional uses are permitted subject to all provisions, requirements and procedures set forth in Section 6 of this Resolution.

- .. Churches
- .. Private or commercial recreational facilities
- .. Gasoline service stations and service garages. Service stations primarily devoted to servicing trucks shall not be permitted.
- .. Restricted research and administrative office campuses
- .. Billboards
- .. Adult oriented businesses
- .. Retail Food Service within the 208 service plan area approved by the Township Trustees

### 5.3.2

C. Conditional Uses - The following conditional uses are permitted subject to all provisions,

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Zone and Overlay District Regulations

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requirements and procedures set forth in Section 6 of this Resolution.

- .. Churches
- .. Private or commercial recreational facilities
- .. Gasoline service stations and service garages. Service stations primarily devoted to servicing trucks shall not be permitted.
- .. Restricted research and administrative office campuses
- .. Billboards



*Mr. Dickinson made a motion to accept the modifications/delete to 6.5(H) Mr. Rogers seconded the motion and it passed unanimously.*

### **Commission Discussion on Air BNB's and Bed and Breakfasts Amendment**

The zoning inspector presented an Exhibit showing an ad for a BNB in Russell Township and states this ad is actually a business. The owner is renting out his barn.

The zoning inspector also stated that the property is zoned single family.

Mr. Dickinson asked the zoning inspector if there were any permits issued? Zoning inspector said Russell Township has not issued any permits and will check with the Geauga County Building Department and Geauga County Health Department for any improvements to the barn.

The zoning inspector stated there is a case in Auburn Township regarding Air BNB's and the Prosecutor is researching.

Dr. Stormann asked how can we regulate and Mr. Kotowski suggested they wait for the Auburn Township court case ruling.

#### **Comments from the public were received:**

Mr. Butters, River Glen Drive, asked if the Township Offices are using their garage as a storage unit, which is prohibited in the Township?

Mr. Kotowski will talk to the Township Trustees regarding this issue.

*Mr. Rogers made the motion to adjourn, Mr. Wynveen seconded the motion and the meeting adjourned at 8:44 p.m.*

Respectfully Submitted,

Mrs. Cathleen Birli 06/23/2021  
Mrs. Cathleen Birli Date  
Zoning Commission Secretary

Ben Kotowski 06/23/2021  
Mr. Ben Kotowski Date  
Chairman