

Minutes: Russell Township Board of Zoning Appeals
Russell Township Hall
September 18, 2023

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

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

Mr. Mark McGrievy was absent, with apologies.

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

Mr. Downing made the motion to open the public meeting, Mr. Boucek seconded the motion and it passed unanimously.

Resolution Book Review

The board reviewed Sections 7 through 12 of the Resolution Book that will be presented to the Zoning Commission for review. This concluded the Resolution Book review.

Attached are the comments.

The Zoning Secretary will contact the Zoning Commission Chairman, Mr. Barry Rogers, to see if he would like the Board of Zoning Appeals present at their meeting, Wednesday, September 27, 2023, to go over comments/concerns.

Minutes

Mr. Boucek made the motion to accept the minutes, as amended, from the August 14, 2023, meeting. Mr. Downing seconded the motion and it passed unanimously.

There being no other business, Mr. Boucek made a motion to adjourn. Ms. Mulloy seconded, and the meeting adjourned at 8:46 p.m.

Mrs Cathleen Birli 10/2/23
Mrs. Cathleen Birli Date
Zoning Secretary

Steve Gokorsch 10/2/23
Mr. Steve Gokorsch Date
Chairman

REVIEW COMMENTS: RESOLUTION BOOK

SECTIONS 7 through 12

Section 7: Non-Conformance

7.5 Substitution: Appeals by lot owners is through the BZA. There is a process.

Section 8: Zoning Commission

8.4 Meetings: Quorum: Should we also publish these to the Russell website? Similarly publish The BZA meetings there? All members agree.

Section 9: Board of Zoning Appeals

9.1 Alternate Members: The board agrees not to include this alternate idea. Change "Also" to "May not be a need".

9.2(B) Powers: Area variances = practical difficulty. Use variances = unnecessary hardship. Believe the Duncan Factors apply to both, but we should verify with the Prosecutor.

9.5 Meetings: We always send notices of variances to the nearby neighbors via certified mail. The Board agrees and to add notice to the website.

9.13 Appeals: The Board has been letting the Applicants know they had 30 days to appeal, from the date the minutes and Findings of Fact were approved. Please clarify ORC with Prosecutor.

9.14(1) Area Variances: The question is the Duncan Factors, which are included in the variance request. It is always mentioned that the area variances so that people understand they have already commented. Please clarify that these are the Duncan Factors, and the applicant answers these questions in the variance request.

9.14(1)(H) Area Variances: We regularly include Duncan Factors. Why has this been struck? Leave Duncan Factors in. We typically have issues which are documented here.

9.14(2) Use Variances: Review if the Duncan Factors are applicable to Use variances with the Prosecutor. Do these replace the Duncan Factors for Use variances? In the past we have not considered "Practical difficulty" for Conditional Uses. Has the ORC changed? Please clarify ORC with Prosecutor.

9.15(A) Procedures and Decisions of the Board of Zoning Appeals: With the agreement of the applicant, we should allow for a 90 day window. Please be consistent. Certified Mail or Registered Mail?

9.15(B)(3) A party in interest shall be allowed: The applicant also can modify their appeal during the hearing, we do this many times. Find a replacement for the word "Contentions". We want to modify an appeal in the hearing.

9.15(C)(2) Decisions of the BZA shall be in accordance with the following: Is this the new name for the Findings of Fact? We would like it to remain Findings of Fact to be consistent with past variances.

9.18 Supplementary Conditions on Variances: The enforcement of these conditions' rests with the Zoning Inspector. Do we need to specify this here? See 10.1 Zoning Inspector Powers.

Section 10: Conformance and Enforcement

10.5(A)(6) Zoning Certificate Requirements: We do not have an outline of minimum submission requirements and how many copies, such as: site plan to scale (minimum 11 x 17 size) clearly dimensioned, topography map, architectural plans, and elevations to scale, photometric plans, proof of ownership, and anything else that is applicable to the request. At a minimum we should require a scaled drawing of the proposal. We regularly need a topo map when reviewing variance requests, should we require one? The Board agrees, that if an applicant is requesting a variance, a variance based on the topography, they need to supply one.

Section 11: Amendments

No Comments

Section 12: Penalties

No Comments