

**Minutes: Russell Township Zoning Commission
Russell Fire-Rescue Station
September 28, 2016**

Present: Tom Warren, Chairman
Donna Weiss Carson, Vice Chairman
Ben Kotowski
Jim Dickinson

Also in attendance: Shane Wrench, Zoning Inspector; Jennell Dahlhausen, Zoning Secretary; John & Pat Leech; Linda Miller.

Mr. Warren called the meeting to order at 7:30 p.m.

The Commission discussed the nomination of a Chairman and Vice Chairman. *Mr. Dickinson moved to nominate Mr. Warren as Chairman, seconded by Mr. Kotowski. Motion passed unanimously.*

Mr. Warren moved to nominate Ms. Weiss Carson as Vice Chairman, seconded by Mr. Dickinson. Motion passed unanimously.

PROPOSED ZONING AMENDMENT 2016-7 - AMENDING THE RUSSELL TOWNSHIP ZONING RESOLUTION, SECTION 5.2B RESIDENTIAL ZONES AS FOLLOWS: Geauga County Prosecutor Jim Flaiz attended the meeting to answer questions for the proposed amendment 2016-7. This amendment was originated after Joyce Builders was denied a variance request from the Board of Zoning Appeals (BZA) on a small lot in the Chagrin Heights Subdivision. They appealed the BZA denial and Judge Fury ruled the decision unconstitutional, stating the lots are unusable and unbuildable because of their small size.

Prosecutor Flaiz has proposed a footnote to section 5.2B of the Zoning Resolution that adds a smaller minimum lot area, width, depth, and frontage for the Chagrin Heights Subdivision to eliminate future issues. He added that he feels this addition to the Zoning Resolution is very defensible for any future related issues in this area of the township.

Prosecutor Flaiz provided a handout to the Commission, which included a case of Schreiner vs the Russell Township Board of Trustees from January 16, 1990 for a property in the Hillbrook Estates Subdivision. This appeal was filed due to the denial of a variance request from the Russell Township Board of Zoning Appeals on a smaller lot similar in size to the lot in the Chagrin Heights Subdivision. The decision at that time was also deemed unconstitutional. Prosecutor Flaiz said a change to the Zoning Resolution should have been made at that time but must have been overlooked.

Mr. Kotowski stated amendment 2016-7 only addresses properties in the Chagrin Heights Subdivision but there may be other areas of the township that should be reviewed, such as the Hillbrook Estates Subdivision. After much discussion, the Commission decided to move

forward with the current amendment and look at other revisions in the future for other areas of the township that could be of concern. Mr. Kotowski offered to compile information for the other properties that may need a similar amendment.

Mr. Kotowski moved to initiate an amendment to the Russell Township Zoning Resolution, consisting of 4 pages marked as Exhibit A, adding a minimum lot area, width, depth, and frontage for the Chagrin Heights Subdivision to section 5.2B, seconded by Ms. Weiss Carson. In favor; Mr. Warren – yes, Ms. Weiss Carson – yes, Mr. Kotowski – yes, Mr. Dickinson – yes. Motion passed.

Ms. Weiss Carson moved to conduct a Public Hearing on proposed amendment 2016-7 to the Russell Township Zoning Resolution, on Wednesday, October 26, 2016 at 7:30 p.m. at the Russell Fire-Rescue Station, seconded by Mr. Dickinson. In favor; Mr. Warren – yes, Ms. Weiss Carson – yes, Mr. Kotowski – yes, Mr. Dickinson – yes. Motion passed.

MINUTES OF AUGUST 24, 2016: Ms. Weiss Carson asked that compiles be changed to compiles in the first paragraph under Old Business and “any other zoning related correspondence received at the Zoning Office” added to the end of the second paragraph under Old Business in the August 24, 2016 minutes. *Ms. Weiss Carson moved to approve the minutes of the August 24, 2016 meeting as amended, seconded by Mr. Kotowski. In favor; Ms. Weiss Carson – yes, Mr. Kotowski – yes, Mr. Dickinson – yes, Mr. Warren – abstained due to not being in attendance at the meeting. Motion passed.*

OTHER BUSINESS: New House Bill 523 was discussed, which allows for cultivation, dispensaries and processing of medical marijuana. Prosecutor Flaiz said the state still needs to finalize the licensing process, which could take several months to a year. Prosecutor Flaiz distributed a memo to the townships in Geauga County, which included a sample resolution that the Trustees may want to adopt if they wish to prohibit the cultivation, dispensary and processing of medical marijuana within the township.

Mr. and Mrs. Leech attended the meeting to express their disinterest in House Bill 523. They are going to the townships requesting they amend their Zoning Resolutions to prohibit it. They asked that the Zoning Commission act quickly on this topic.

Mr. Warren would like to schedule a Public Hearing sometime in December at the Town Hall to hear the public’s opinions on this topic. He stated that residents have approached him with both interest and disinterest. Ms. Dahlhausen will ask the Trustees if they would like to be involved with the Public Hearing and finalize a date.

The Zoning Commission discussed updates to the Land Use Guide Plan. Mr. Warren finished the general introduction. Ms. Dahlhausen stated that Chapter 6 - Land Use is not complete. Several potential items were discussed to include for the Land Use section. Mr. Kotowski mentioned the Township doesn’t have zoning that allows for facilities for aging residents. Mr. Dickinson added if someone wants to build a detached mother-in-law suit above a garage, this currently is prohibited per zoning since it would require a separate sewer tie in.

Ms. Dahlhausen will compile all of the current revised sections of the Land Use Guide Plan and make them available to the Commission. Mr. Warren would like all revisions from the Commission emailed to him.

Mr. Warren requested the Commission start using their township email accounts so that all emails concerning township matters, which are public record, are saved on the townships server. Mr. Dickinson indicated that he was recently provided with an iPad for use on the Commission. Ms. Weiss Carson and Mr. Warren requested possibly purchasing iPads for the other members of the Commission as well to be used exclusively for township business. Mr. Warren is currently using a personal iPad, and Ms. Weiss Carson is currently using a township-purchased Surface. Ms. Dahlhausen stated she will check if there are funds available in the budget.

Mr. Warren stated the open Zoning Commission seat has been advertised and the Trustees are accepting applications until October 19th.

Mr. Warren said he would like future meetings to run no later than 9:00 p.m.

Being that there was no further business to come before the Commission, Mr. Kotowski moved to adjourn, seconded by Mr. Dickinson. The meeting adjourned at 9:25 p.m.

Jennell Dahlhausen
Zoning Secretary

Date

Tom Warren
Chairman

Date