

Minutes: Russell Township Board of Zoning Appeals
Russell Fire-Rescue Station
Monday, February 9, 2015

Present: Steve Gokorsch, Chairman
Sarah Moore
John Rybak
Dushan Boucek
Diana Steffen, Secretary

William Downing was absent with apologies.

The Chairman called the meeting to order at 7:02 p.m.

CONDITIONAL USE APPLICATION #476 Hemlock Hills Homeowners Association

Request for a conditional use zoning permit under Section 6.5.D of the Russell Township Zoning Resolution for property located at PP#26-067800, 26-067900 and 26-068000, also known as the Hemlock Hills Recreation Area, 8192 Cloveridge Road.

Ms. Moore recused herself from participating on the board since she lives in the Hemlock Hills subdivision.

The legal notice was published in the Chagrin Valley Times on 01/29/15 and sent by certified mail to the parties and neighbors on 01/23/15.

In attendance on behalf of the Hemlock Hills Homeowners Association (HHHA) were officers Erik Gerard, President, Sara Sustin, Chair of the Swimming Pool Committee, and Jeff Leggett, Vice-President.

Mr. Rybak made the motion to open the public hearing for Conditional Use Application #476, Mr. Boucek seconded and the motion passed unanimously.

The Chairman swore in Mr. Gerard, Ms. Sustin, Mr. Leggett and resident Charles Butters.

Erik Gerard, 8339 Chagrin Mills Road, confirmed he was sworn in and stated he is President of the HHHA. He gave a PowerPoint presentation to provide an overview of the property and the request. He showed photos of the driveway entrance, ball field used for overflow parking, tennis courts, bathhouse, large swimming pool, children's wading pool and three benches constructed by a resident as an Eagle Scout project. He noted the recreation area has been there for nearly 50 years, operating under a variance that allows up to 220 households to join the swimming pool. Originally 175 homes were included in the recreation area and the area was later extended to nearby streets to increase the number to 220. Historically 75 to 80 families were members but in recent years there have been about 35, which has brought about a shortage in funding for maintenance of the facilities. They propose to cap the membership to a maximum to 100 households, and increase the geographic area for membership. The demographics of Russell Township show the population is aging, reflected in the fact that there are fewer families in the neighborhood, so they would like to invite friends of member families to join the pool.

Mr. Gerard stated a key request tonight is the ability to have a basic concession stand to sell pre-packaged snacks, beverages and candy. He clarified that they do not propose to run a restaurant. Mr. Gerard quoted from the Zoning Resolution definition of a restaurant which excludes "concessions operated as an accessory to other public or private activities solely for the use and convenience of the patrons." The concession stand would not be open to the public and there would be no onsite food preparation. He said their primary need would be to sell soda pop, bottled water and chips at swim meets.

Sara Sustin, 15129 Hook Hollow, confirmed she was sworn in and discussed hours of operation. Under the current variance the pool is permitted to be open from 9:00 a.m. to 10:00 p.m., and the HHHA is not asking for a change to those hours. However, due to budgetary constraints last year they opened 2 hours later and closed 2 hours earlier, 11:00 a.m. to 8:00 p.m. Once or twice a year they stay open until 10:00 p.m. for special functions.

Ms. Sustin discussed lighting. She stated that lighting should not trouble neighbors. She said nothing will change as far as lighting, and they will not add new lighting. There are 4 light poles, two of which are CEI security lights that have been on all night for a long time. There are 2 lights on poles inside the pool area that can be turned on for special events, but because those events are held in the summer it is typically light enough that they are not turned on. Those lights have also been there a long time and there will be no change.

Ms. Sustin discussed demographics. She said it is important to have members from the 220 homes in Hemlock Hills. Over the past 50 years there has been a big change in demographics within the development. There are now many seniors who were there when the pool was built, there are empty nesters who are the biggest portion and whose children were part of the pool and the swim team and they have all moved on, passing leadership to the new generation of families who have school-age children. This group consists of 35 to 40 families, and last year 35 families belonged, which is 16% out of the 220 homes, and the board has determined there needs to be about 30% to operate functionally. Although they did break even last year, that was strictly for operating expense (one fundraiser raised \$1,000 in donations), with nothing left over for infrastructure updates or needed maintenance. Without the ability to expand out of the current geographic area the pool will not be able to continue operation.

According to Ms. Sustin their swim team is the most important social event in the community. It creates a sense of community and neighborhood social club. Children learn to swim there, join the swim team, and then join the swim team at West Geauga Schools. Last year there were only 17 children on the team, far less than in the past, but children who are friends of those children and live outside of the development have asked to join the team. Currently the pool committee cannot permit them to join, but the HHA is asking the Board to permit them to join, with a cap on total membership of 100 households. The goal is to make the pool viable and sustainable as it was in the past.

Jeff Leggett, 15261 Dale Road, confirmed he was sworn in and talked about the support received from the community for the past 50 years. Now they are looking for new members to support the pool. They have submitted letters of support from neighbors and from one of the Trustees of the Township. Mr. Leggett said he understood there is concern about emergency services, and they have spoken to both the Fire Chief and Police Chief, in attendance tonight, and have submitted a letter of support from the Police Chief.

Mr. Leggett discussed parking. The 160 ft. by 180 ft. field can accommodate 80 to 100 cars for overflow parking from the 20-car parking lot. The topographic map submitted shows the field is flat and access is from the paved parking area.

The Chairman called upon the Police Chief and Fire Chief. Police Chief Tim Carroll stated that the police have received only 8 calls from the Recreation Area in the last 5 years, two were outsiders coming to the pool, and 6 were minimal incidents involving teenagers hanging out at the pool. There has been nothing major. The lifeguards have open communication with his department. He stated that it is a great facility as far as somewhere for children to be, and the request is a wonderful opportunity to have more children within the Township be able to join. He said he had no problems with the recreation area or with the conditional use request, and since it is such an asset to the Township he felt it incumbent on everyone to make it a successful enterprise.

Fire Chief John Frazier stated there have been no incidents at the Recreation Area in the past 30 years except for a small brush fire 30 years ago. There have been no emergency calls, which is unusual with a pool where children are running around and can be injured. This speaks well to the supervision at the pool with the high frequency of use by children but the low risk over 30 years. It is a low risk model and does not impact the Fire Department at all based on the lack of incidents. The department has used the pool in the past for rescue training, and the pool is one of the few locally that provides the opportunity. The lifeguards have trained with his department, and he has given recommendations on equipment to use. Asked by Mr. Gokorsch if he approved the conditional use request, Chief Frazier said yes.

The Chairman opened the hearing to public comments. Frank Harff, resident at 8136 Cloveridge Road, was sworn in. He stated he has lived in Hemlock Hills for 18 years, his wife for 42 years, and he is happy with the swim association and the community.

Pam Cicigoi, resident at 15136 Hill Drive, was sworn in and stated that the facility was one reason her family moved to Hemlock Hills 19 years ago. Her children grew up belonging to the pool and the swim team and then the West Geauga Schools team. She felt it is a wonderful asset for Hemlock Hills and also for the Township as a whole. Mr. Leggett mentioned that he is responsible for the welcome wagon in Hemlock Hills, and has received similar comments from new homeowners, so it is apparent that interest in homes there continues today partly due to the swim club.

Suzanne Scott, resident at 8120 Cloveridge Road, was sworn in and stated that her son was on the swim team in the past, and she thanked everyone for their efforts to continue the facility. She has lived there 35 years, loves the community, is pleased to see a new generation working on it, and appreciates the Police and Fire departments.

Charles Butters, resident at 14818 River Glen Drive, confirmed he was sworn in and said that his family could not join 15 years ago when his daughter's friend belonged, and with 18 houses on his street there could be families there who would like to do so now. He asked for alternates to be appointed to the Board of Zoning Appeals so that a full board could vote on the request.

Mrs. Scott mentioned an old sign on Cloveridge Road on the recreation area side of the road that says No Parking, and asked if it is a legal sign. Chief Carroll said people should park on one side of the road only, the concern being that a fire truck must be able to get through. He had never encountered an issue with parking on the road there. Mr. Harff commented that during swim meets people only park on one side of the road. The Chairman asked the Secretary to note the sign issue and contact the road department.

Sarah Moore was sworn in and stated she was speaking as a member of the public and not as a member of the B.Z.A. She has lived in Hemlock Hills for 15 years and has no children but does fully support the request. Speaking for others in the neighborhood who do not have children she said the swim club is a vital part of the community, and they support the request.

There being no further comments, Mr. Rybak made the motion to close the public portion of the hearing, Mr. Boucek seconded and the motion passed unanimously.

Mr. Rybak asked how many swim meets are held per year and the average attendance. Ms. Sustin said it varies, but this year 8 are scheduled with 3 or 4 being home meets. Mr. Gerard said there are 17 children on their team and other teams are larger with approximately 25 or less. There are usually less than 35 cars since their team does not drive to the pool, and the other teams usually carpool. Overflow parking is on the street but the field is available. Mr. Rybak asked about the location of the light poles, and Ms. Sustin marked them on the site plan. She did not know if the light by the parking lot illuminates the entire parking area, and confirmed that the parking spaces are not marked. She said it is obvious to everyone when they pull in how to line up the vehicles. The Chairman asked if there have been any issues with parking on the road, and Chief Carroll said there has never been a problem.

Mr. Boucek asked about the concession area. He asked for clarification on what will be sold, and whether this will be only during swim meets or during other activities. Mr. Gerard replied they will sell chips, candy bars, bottled water, soft drinks strictly during swim meets about 4 times a year. Otherwise there will be a soda machine so members can buy a cold beverage on a hot day. He confirmed there will be no hot drinks or food preparation, but there will be a vending machine.

Mr. Gerard asked if the concession must be limited to prepackaged food or can they serve hot dogs at a swim meet. Mr. Gokorsch said he defines a restaurant as serving warm plated meals, whereas a concession serves pre-packaged food and pop, and asked if a concession is what is being requested. Mr. Gerard said it was. He also said that there are some grills by the basketball court and families do use them to picnic there, and he asked if that was acceptable. Mr. Gokorsch responded that families picnicking using a grill is acceptable whereas a concession stand using a grill and selling warm plated food is not. He also said that preparing foods such as hot dogs and burgers to be heated and sold is not permitted, but bringing in packaged food to sell, such as pizza slices, is permitted. He said it is very important for everyone to be clear about what can be sold at the concession stand.

Mr. Boucek asked for clarification on the hours of operation being requested. Mr. Gerard replied that in the documentation submitted they have asked for 9:00 a.m. to 10:00 p.m. Asked how many cars park on the road during a swim meet he replied there may be 5 to 10 cars on the road, but the field is also available. Asked if the field is used for activities when swim meets are not taking place, Mr. Gerard said there is nothing specific.

Mr. Boucek asked about maintenance of the grounds, and Mr. Gerard said the homeowners association pays landscapers to mow grass and do a spring cleanup. They included in the application the septic report which had recommendations for repairs. Every spring the County inspects the pool before it can be opened, and it also conducts spot check follow-up inspections during the summer to see that chemical levels are appropriate. Every year they have to do some maintenance, which is a challenge as the pool ages. The tennis courts had to be repaved at a cost of \$15,000 and they had to raise the money to do that work. The pool area will need replacement eventually, and to raise the funds they need to extend membership to the broader community. Mr. Boucek asked if there is any maintenance taking place during the winter, and Mr. Gerard said there is not, but that the pool is winterized properly before it is closed to keep the equipment lasting as long as possible.

Mr. Rybak asked where the septic system drains, and Ms. Sustin said the leach field is in the grassy area between the septic tanks and the road, between the driveway and the basketball court. She marked it on the site plan.

Mr. Gokorsch asked if the HHA would be willing to send a letter annually to the B.Z.A. providing the annual membership numbers. Mr. Gerard agreed that they could do this.

Mr. Gokorsch asked if there are structured activities involving the tennis courts, play area or the field. Mr. Gerard said there are not, there was no interest when they offered tennis lessons.

Mr. Gokorsch reviewed a list of items that should be taken into account when writing the conditions for the conditional use approval, and which should be included in the letter of approval to the HHA. He confirmed that the area variances granted in 1963 and 1972 remain in place, but the conditions listed as part of the 1963 variance are being replaced.

Mr. Rybak made the motion to accept Applicant's Exhibit A, Attachment 4 site plan, as modified by Sara Sustin to note the location of the leach field and outside lighting area, Mr. Boucek seconded and the motion passed unanimously.

Mr. Rybak made the motion to accept the Hemlock Hills Homeowners Association request to approve a conditional use recreation area per Section 6.5.D with the conditions outlined by the Chairman, Mr. Boucek seconded and upon roll call the vote was Mr. Rybak – yes, Mr. Boucek – yes, Mr. Gokorsch – yes, and the motion passed unanimously by 3-0.

The Chairman thanked the representatives of the HHA for their diligence and effort, which will provide clarity to future boards. He thanked the safety forces for their input and thanked the residents for coming to the hearing and expressing their opinions.

Ms. Moore rejoined the board.

MINUTES OF JANUARY 5, 2015 – *Ms. Moore moved to approve the minutes as presented, Mr. Boucek seconded and the motion passed unanimously by 4-0.*

There being no other business, Mr. Rybak moved to adjourn, Mr. Boucek seconded and the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Diana Steffen
Secretary
bza minutes 02-09-15

Date

Steve Gokorsch
Chairman

Date