

**Brunswick Hills Township
Zoning Commission Public Hearing Meeting
June 7, 2018**

PUBLIC HEARING MEETING

Chair Jenkins called the Zoning Commission Public Hearing Meeting to order at 7:00 p.m.

- **Board Members in Attendance:** Mrs. Jenkins (Chair); Mr. Mickas (Vice Chair), Mrs. Porter, Mr. Fulkerson; Mrs. Kijek
- **Others in Attendance:** Trustee Michael Esber, Zoning Liaison; Evelyn Czyz, Zoning Inspector

New Business Request: Zoning Map Amendment/ Request to Rezone a Zoning District

- **Denis Kolar, 17149 South Red Rock Drive, Strongsville, OH 44136** Zoning Map Amendment request to Rezone a current Zoning District. Request to Rezone property located at 4867 Center Road, Brunswick Hills, OH 44212; Parcel #00102A30016 from current Zoning District R-1 (Residential District) to a C-2 (Community Commercial District).

Chair Jenkins stated we received an application request for a Zoning Map Amendment from Denis Kolar and asked him to present his case.

Evelyn Czyz, Zoning Inspector, Brunswick Hills Township, 1918 Pearl RD, Brunswick, OH was sworn in.

Denis Kolar (Applicant), 17149 South Red Rock Drive, Strongsville Ohio, 44136 was sworn in.
(Address for the Zoning Map Amendment is 4867 Center RD, Brunswick Hills, Ohio).

Mr. Kolar stated I have been working out of my house for about nine years now for screen printing, embroidering, and lately I've started doing vehicle wrap signage and decals for trucks, etc. He said I'm at the point where my basement is not big enough so I started looking around for my business. When he saw the property (4867 Center Road) the lady who was selling said there was an opportunity for it to be Commercial. Mr. Kolar stated he needs the extra building on the side, then maybe down the road he could live there. Mr. Kolar said when I met with Evelyn Czyz (Zoning Inspector) I saw there were a couple of more things that I would have to do to work out of the home. Mr. Kolar stated I would have to get special permits so I decided to do it the right way which is convert it to Commercial if it is possible and the open up a little shop, maybe 4,000 square feet, and then work from there.

Mr. Kolar stated with the business, right now I am doing everything myself, but I'm hoping to get at least one part-time or one full-time person. Mr. Kolar stated I don't plan to have it be huge, but last year I got to the point where I could quit my full-time job and do my business full-time. He stated he was a graphic designer in a packaging company so when I got to the point where I had enough customers and repeat customers I decided to quit and I saw this as a good opportunity for me to make more of a permanent place than working out of the basement. He said if I have a vehicle wrap for a small vehicle, I'm ok doing it in my garage, but if it is bigger, then I have to go somewhere else because I can't do it outside. Mr. Kolar stated I know the biggest thing the neighbors will want to know is how big this will be and how much traffic is coming in and out of there. Right now I have about 2-3 people a week and UPS visits a few more times a week than a regular house.

Mr. Kolar stated he was trying to have his driveway a little further away from Rt. 303 so that wouldn't be an issue if people have to come in and out. He said he would need a special permit to move the driveway up a little. He said when we had that big storm here he had three big trees that fell down on the corner of Rt. 303 and Substation and instead of pulling all those branches over for the Township to pick up he pulled everything 100 – 150 feet north from the intersection. He doesn't want to be a burden to anyone if that were allowed to be converted to Commercial.

Questions by the ZC Board

Mr. Fulkerson asked what is your business? Mr. Kolar stated printing T-shirts, imprints on polo's, hats and vehicle wraps. Mr. Kolar stated vehicle wraps are advertising on vehicles and I put a big sticker around it. He stated there is no heavy equipment. The heaviest equipment is the screen printing machine and it is not noisy. He said the noisiest thing I would have if I buy one is an air compressor. He said if he gets the all-electric one you won't be able to hear it even if you are standing at the front door. He stated he would probably have less traffic at his house than someone who has 3-4 teenagers, so he doesn't see any issues with traffic.

Mr. Fulkerson asked what type of equipment he will be bringing in there. Mr. Kolar stated a printer, a cutter to cut the vinyl, laminator, screen printing machine, 2 small embroidering machines and a couple of heat presses and a small heat conveyer. The largest machine is about the size of a table. Mrs. Jenkins said so most of your business is done by phone, email and UPS. Mr. Kolar stated yes. He said Universal Windows is one of his biggest customers and they email me, I order it and UPS sends it and they pick it up when it comes in.

Mrs. Porter stated you said you have UPS going in and out more regularly and asked, how about trucks? Are their large trucks that would be going in and out of there? Mr. Kolar stated he did not see a reason for that and if he has to do something on a truck he has a friend with a big trucking company so he takes it there. He stated my building would not be big enough to get a truck with a trailer in. He said he did plan to build a steel building there and he would call the Police when those trucks come in to drop it off.

Trustee Esber asked if he will have any toxic chemicals there. Mr. Kolar stated all inks are biodegradable and children-safe. He said he has to register with the Government that all of your inks are phthalate-free (?), which is a big deal because somebody ordered something from China and kids were chewing on it and got sick. He said so you have to register now that all of your inks are phthalate-free.

Mr. Fulkerson said if the Board were to agree to the zoning map amendment, what would your next step be? Mr. Kolar stated my next step would be to look for a company that can build a steel building for me, then I would need to have a construction company come in for the concrete pad and foundation. When that is set he would have someone come in to put up the building. Mr. Fulkerson stated if we were to change this to Commercial, there is a whole new process that you would have as far as what is going in there and you would have to go through the Zoning Inspector. Ms. Czyz stated that is what prompted him to come in for the zoning change. She said he came in and told me what he wanted to do and he could not do that in a Residential District without re-zoning. Mr. Kolar stated the company would contact the Zoning Inspector to get all the parameters and regulations. Ms. Czyz stated and part of that is governed by the Medina County Building Department regulations.

Mrs. Jenkins asked the Zoning Inspector if the opposite corners from the property are Commercial. Ms. Czyz stated the NE is R-1, the SE quadrant is Industrial, the SW is C-2 and the NW is R-1. Ms. Czyz stated when they put in Drug Mart and the Sunoco station on Rt. 303 and Marks, they wanted to include this parcel in the re-zoning. She said the lady who owned the property at the time wanted no part of it. Ms. Czyz stated the woman contacted me last year and said she now wants it re-zoned so I told her what the process was to re-zone and what the fee was and she said she wanted it rezoned for free. Ms. Czyz stated that obviously did not pan out. Ms. Czyz stated when the property went up for sale, they were advertising it as Commercial, so she contacted the real estate company and told them that property is not Commercial, it is zoned Residential. Ms. Czyz stated she did not want them to mislead a potential buyer. Mr. Kolar stated they did mention there was an opportunity to convert it to Commercial when he looked at it and that was one of the reasons why he bought it.

Public Comment/Testimony & Evidence

1. **Ed Dowczek, 1287 Substation Road was sworn in.** Mr. Dowczek stated we went through this about 10-15 years ago; the dog property that's there at that time was zoned Residential, the subject property Residential and he believes the rental place across the street is the same. He stated there were concerns at the time as to what could go in there if it did become Commercial, gas stations, etc. He said the folks that sat here at that time decided to abandon going to Commercial because we were concerned our homes would be engulfed in a paint shop, gas station or what not. Mr. Dowczek stated this gentleman and what he's doing might be fine because it doesn't sound like it is very offensive, but what happens if in five years he goes out, what else can go in there then? He said the traffic there is horrible already.

The Board members pulled BHT Zoning Resolution and referred to Sec. 408 C-2 Community Commercial District. Ms. Czyz stated that anything that is permitted in a C-1 is also permitted in a C-2.

Sec. 408 C-2 COMMUNITY COMMERCIAL DISTRICT (Zoning Resolution pg. 55-56)

Mr. Mickas read the Permitted Uses:

Sec. 408-2 Uses
Within a C-2 Community Commercial District, all buildings, structures, and premises shall be used and designed to be used only for one or more of the following uses:

A. Permitted Uses

All of the following permitted businesses, services, or processing shall be conducted wholly within a completely enclosed building:

1. Uses permitted by right in the C-1 Local Commercial District as set forth in Section 407-2(A).
2. Art, photo, stationery, notion, toy, book, music, and gift sales.
3. Clothing, apparel, shoe, and variety store.
4. Hardware, paint, floor coverings, wallpaper, materials and objects for interior decorating, auto accessories, and repair of household appliances and bicycles.
5. Jewelry store.
6. Retail sale of furniture, appliances, and other major household articles.
7. Sporting goods.
8. Banks, including drive-in facilities.
9. Amusement and recreational uses such as a bowling alley, theater, and pool parlor, but excluding drive-in theaters and other recreational uses such as miniature golf, driving ranges, etc.
10. Cultural and/or educational facilities.
11. Eating and drinking establishments.
12. Accessory uses clearly incidental to the uses permitted on the same premises.
13. Signs - As regulated by Article V hereof.
14. Off-street Parking and Loading - As regulated by Article VI hereof.

Mr. Mickas then read the Permitted Uses in a C-1 Local Commercial District:

Sec. 407 C-1 LOCAL COMMERCIAL DISTRICT (Zoning Resolution pg. 53)

Sec. 407-2 Uses
Within a C-1 Local Commercial District, all buildings, structures, or premises shall be used, arranged to be used, and designed to be used only for one or more of the following uses:

A. Permitted Uses

1. Barber and beauty shop.

2. Drug store.
3. Florist and gift shop.
4. Grocery store not exceeding fifteen thousand (15,000) square feet of total floor area.
5. Preparation and processing of food and drink to be retailed on premises including bakery, delicatessen, meat market, confectionery, restaurant, ice cream parlor, soda fountain.
6. Shoe repair store.
7. Tailor and dressmaker.
8. Medical and dental clinics.
9. Office buildings.
10. Accessory uses clearly incidental to the uses permitted on the same premises.
11. Signs - As regulated by Article V hereof.
12. Parking and Loading - As regulated by Article VI hereof.

Mr. Dowczek asked if there is any way to protect from that? If you give him his ok but you say you can't sell it someone to become one of these problems to us in the neighborhood? He said this is our home, we are not in the middle of the Industrial Park and stated he thought what's become of Marks Road is a fiasco. He said they live next to a big factory or next to a junk yard and across the street are beautiful homes – is that were we are headed? He stated that is not where we thought we would be 20 years ago when we bought our home.

Ms. Czyz stated one of the biggest hurdles that anyone is going to face with any of those businesses is trying to get the State of Ohio Department of Transportation to allow them to cut in a driveway/access on Rt. 303. Ms. Czyz stated we (Township) have no control over that at all, but even now as it is a Residential District, this gentleman can apply to the State for a driveway permit and the State could possibly give it to him. She stated that she just wanted Mr. Dowczek to know a driveway permit off Rt. 303 is mandated/dictated by the Ohio Department of Transportation. She stated that Substation Road is a County Road so if he wanted to extend the driveway or add another driveway that would go through the Medina County Highway Engineer's Office. Ms. Czyz stated the Township cannot tell him he can't put in another driveway as that is up to Medina County. Mr. Dowczek asked again if there is a way to limit future use of that property other than what he is talking about so we don't keep running into this if his business goes down the tube. He asked, are you going to put a Christie's in there? Ms. Czyz stated no, Christies could go in an Industrial District, but it could go across the street on the Ohio Edison (I-1 Industrial District) area.

2. **Don Elwood, 1296 Substation Road was sworn in.** Mr. Elwood stated we've seen a lot of changes, good and bad. He said right by his (applicant's) driveway is a sign that says "Don't Block the Driveway" and the lady who lived there before him had to call the Police several times because she could not get out of the driveway. He said then a while ago they wanted to put a school on the land next door but Medina County Engineer said no school because there is only one road coming in and they wanted to come out on Substation Road. Mr. Elwood stated he has no problem with his little shop he wants to put in but he can start a shop with one person and maybe another one coming in without a permit and you can't do anything about it. He said now he wants it zoned Commercial and there is plenty of land in Brunswick Hills and all over that's zoned Commercial. He stated at 5:00 pm at night the traffic is backed up in front of our houses all the way to the church. He stated on Sunday he was coming back with his boat from fishing and the traffic was backed up all the way to the golf course. He stated his son plays little league baseball at Neura Park and the traffic is backed up trying to get in and out of there. He stated and the place on the corner with the dogs, we can hear them barking all the time. Mr. Elwood said the road should be widened and he went up to Medina County to see the permits/plans and everything but the problem is nobody has any money.

Mr. Elwood said another thing with that land is that it slopes to the neighbor's property and there is a river there every time it rains. He said if he puts in concrete there where is all of this water going to go? He referenced water problems on Rt. 303 and Substation when they covered the culvert there. He said the water turns up there and the yards get flooded. He said they went from a small culvert to a big culvert and they put in two big culverts in front of my house because the water comes across Substation and everyone is passing the buck. He wanted to know where all of this water is going to go.

3. Linda Priebe, 1270 Substation Road was sworn in. She stated she has the same concerns as the other gentlemen and said we purchased our home over 30 years ago and have a nice, well maintained ranch with a basement and like they said there is a problem with the water over there for the first time in over 30 years. She stated we have water in our basement for the first time ever since they put all of those new \$300+ homes behind us. She stated my property is 509 feet long so all of a sudden we are getting water problems. She said we already have water problems there. She said secondly, that property was sold as Residential and it should stay Residential. She said there are probably a lot of people that would have jumped on that property for the \$100,000, or whatever it sold for, but when it became Residential it became less desirable because the home is older. She said so if someone wants to knock that house down and put another one in farther back fine.

Mrs. Priebe stated her brother-in-law did the same thing this gentleman wants to do – run a business out of his home in Strongsville and the neighbors started complaining about the UPS trucks coming to his house everyday so he had to go find some place to build his business and he did in an industrial parkway. She said these are our homes and you want to put a business there and said I don't want a jewelry store there if his business fails. She said all of the options you mentioned that could go there I don't want them there. She said I already have the traffic from Rt. 303 and Substation during a rush hour. She said she is a ¼ mile up from Rt. 303 and she has traffic sitting in front of her house and I can't get out of my driveway because of that. She said she read in the newspaper they were talking about lowering the speed limit to 35 mph, but it is a County Road and they fly down there at 50 mph easily. She said think about it if it were your home; this affects me and my family and I would like to sell it without having a business there. She said if his business fails who knows what will go in there. We bought our home because we wanted a little land and room for our kids to run around. She said the UPS doesn't bother me but if he gets his business in there he doesn't know if it's going to grow, and if it grows like my brother-in-law's did you will be looking at a \$15-million-dollar business. She said businesses do grow and she doesn't want to see it. She said it should stay Residential and asked the Board to think about this if it was your home. We already have water problems there and if the business grows we will have more issues.

Trustee Esber asked Mrs. Priebe how long they have been flooding over there. She said for years and so when I go to sell my home I have to say we've had water in our basement. She stated she asked the people in the new homes behind them and they said they had boards over the ditches where the water is supposed to go because they hadn't finished that street. She said even the \$300+ homes are getting water in their basement too. She said the water comes by her house so fast you would swear it's a river. She stated again she does not want the property to be Commercial; she doesn't want a jewelry store, a 7-Eleven store or a restaurant there.

Mrs. Kijek asked the applicant if the business would happen to go under, would you still stay there? Mr. Kolar asked if you can live on a Commercial property? Mrs. Jenkins asked if he intended to live there? Mr. Kolar stated when he bought the property I really wanted to add another accessory building in the back but the Zoning Inspector said there needs to be permits for that and permits to work from home, etc. He said I really wanted to keep it Residential because I don't want to pay extra taxes that Commercial requires. He said his original intention was to build the accessory building and then in a couple of years fix up the house and move there, but when we went through all of this the simplest way just seemed to convert it to Commercial. He stated he did not mind giving a little more money in taxes to the Township and the State because it is going to be a business.

Mrs. Priebe said he bought the property as Residential which is cheaper than buying Commercial so it should stay that way. She felt he should have bought Commercial for his business and pleaded to the Board again with the flooding and traffic issues there.

4. Carmen Bowen, 1320 Substation Road was sworn in. He stated he lives next door to the property. He asked what the two churches on Substation Road were zoned. Ms. Czyz stated R-1 Residential. He said he was in favor of Denis opening a business there. He said I'm an American; free enterprise, and I own the property next door but I feel he should be able to do what he would like to do with his own property. He said the traffic situation is not going to be that much worse. He said as for the speeding, you could change it to 25 mph but people are still going to speed; it's the nature of the beast around here. Mr. Bowen said if he goes out of business and someone else takes it, eventually that property is going to be zoned Commercial whether other people like it or not. He said it is progress, it's a corner lot and it's going to be prime real estate sometime down the road. He

said there is a business across the street, there is a kennel across the street, why should he be denied from having his business? He said it's plain and simple - he can do his business and I'm all for it.

Denis Kolar returned to the podium and stated I bought it as Residential and I wanted to keep it as Residential but after talking to Evelyn, converting it to Commercial was going to be the best way for me, the Township and for the County. Ms. Czyz stated that Mr. Kolar made the decision to go Commercial she had nothing to do with it except explain all of the options. Mr. Kolar stated I decided to put the permit in for Commercial after I heard how many permits there would be. He said he did not deliberately buy this as Residential to try to convert it to Commercial as he really wanted to live there and why would he want to pay twice as many taxes if didn't have to. He said if you look at the map, across from Substation there is an apartment building (a business); across on Rt. 303 there is a Commercial kennel, school (daycare) and a golf course and there is a huge industrial area with Ohio Edison. He stated so with three other corners already Commercial I thought that would not be a problem. Mr. Kolar stated the first person I met there was my neighbor Carmen, I talked to Mr. Elwood and from his own words he tried to convert it to Commercial 15 years ago. He stated and I cannot promise that my business will be up and running for 30 years, I hope so, but I cannot promise that. He said my best intention is to be fair to the neighbors, to have my business there and try to make it as peaceful, quiet and non-intruding to people around me as possible.

Mr. Kolar stated Mrs. Priebe said she had her basement flood about five years ago but everybody had their basements flood. He said his basement flooded five years ago and he lives on a hill in Strongsville because it was a 100-year storm. He stated if there is an issue there will be engineers looking at the property. He said if there is going to be an issue with catching the water there is always an option of a catch-basin in the back and he really didn't think the water from that property is going to affect any of them because that property dips towards the back. He said he is on the highest spot and that water goes away from Substation and it has nothing to do with their houses. He stated the only person that would complain about the water would be Mr. Kasidonis (neighbor) with the only driveway off Rt. 303, so if there was going to be excess water it would go towards him. He stated there are three acres there and he only needs a small part of it so he could build a catch-basin in the back. He said as long as he owns it he will not be in anyone's way.

Mr. Fulkerson asked if he is looking at a C-1 or C-2? Ms. Czyz stated in your packets it is proposed as a C-2. Mr. Kolar stated if you look in your packet there is a document from your Comprehensive Plan that shows that area as predetermined for Commercial so if not today, someday it will. (see Exhibit 1 Kolar: Figure 7 Preferred Land Use Plan and Exhibit 2 Kolar: Page 26 of the Comprehensive Use Plan attached). Ms. Czyz confirmed that this property does fall into Commercial on our Comprehensive Land Use Plan. Also attached, Exhibit 3 Opponent: Resident Letter from Mr. Gresock.

In closing, Ms. Czyz informed the residents in the audience they should contact Medina County Storm Water Management regarding the flooding issues in their area and gave the phone number. **End of Public Comment/Testimony & Evidence.**

Motion to Continue the Public Hearing for 4867 Center Road to Thursday, July 5, 2018

Chair Jenkins stated this request has to go to the Medina County Planning Commission for recommendations as well so this public hearing will not be closed it will be continued to Thursday, July 5, 2018 at 7:00 p.m. to allow the Planning Commission to get back to us. **Motion**: Mr. Mickas made a motion to continue the public hearing to Thursday, July 5, 2018 at 7:00 p.m. and after the hearing submit our recommendations to the Board of Trustees. Mr. Fulkerson seconds the motion. **Roll Call**: Mrs. Kijek-yes; Mr. Fulkerson-yes; Mrs. Porter-yes; Mr. Mickas-yes; Mrs. Jenkins-yes. Motion carries to continue the hearing. Hearing adjourned at 8:02 p.m.

Respectfully Submitted,

Mary Jean Milanko, Zoning Secretary

Sandra Jenkins, Chair

Date