

**Brunswick Hills Township
Zoning Commission
Regular Meeting Minutes – February 1, 2018**

REGULAR MEETING

Chair Jenkins called the Zoning Commission Regular Meeting for February 1, 2018 to order at 7:11 p.m.

- **Board Members in Attendance:** Sandra Jenkins (Chair), Matthew Mickas (Vice Chair) Barb Porter and Al Fulkerson
- **Board Members Not in Attendance:** Linda Kijek (Excused Absence)
- **Others in Attendance:**

Approval of the Minutes

1. Approval of the January 4, 2018 Public Hearing Minutes

Chair Jenkins asked for edits or changes to the minutes. **Motion to Approve Minutes:** Mr. Mickas made a motion to approve the January 4, 2018 Public Hearing Minutes. Mr. Fulkerson seconds the motion. **Roll Call:** Mrs. Porter-yes; Mr. Mickas-yes; Mr. Fulkerson-yes; Mrs. Jenkins-yes.

2. Approval of the January 4, 2018 Organizational Meeting Minutes

Edit: Mr. Mickas noted in Review and Adoption of the Zoning Commission ByLaws on page one, first paragraph, an end quote sign was missing on last sentence “*Members will attend a minimum of two (2) Trustee-approved training sessions annually.*” Edit made. **Motion to Approve Minutes as Amended:** Mr. Mickas made a motion to approve the January 4, 2018 Organizational Meeting Minutes. Mr. Fulkerson seconds the motion. **Roll Call:** Mr. Mickas-yes; Mr. Fulkerson-yes; Mrs. Porter-yes; Mrs. Jenkins-yes.

3. Approval of the January 4, 2018 Regular Meeting Minutes

No edits or changes. **Motion:** Mr. Fulkerson made a motion to accept as written. Mr. Mickas seconds the motion. **Roll Call:** Mrs. Porter-yes; Mr. Fulkerson-yes; Mr. Mickas-yes; Mrs. Jenkins-yes.

Continued Business: Review of the Brunswick Hills Township Zoning Resolution

1. Sec 303-10E. Conditionally Permitted Uses In Intermediate Regional Flood Plains

Chair Jenkins stated that Brian Richter (Medina County Prosecutor’s Office) and Evelyn Czyz (Zoning Inspector) were going to get together with Andy Conrad to help explain his comments on the Regional Flood Plain and the Riparian Setbacks. Chair Jenkins stated she would email the Zoning Inspector on this as the language in this section will need changed.

2. Sec 703 Continuation of Existing Uses Conditionally Permissible Under This Resolution

Mr. Mickas stated that he thought Mr. Richter stated that he interpreted this section to read that everyone would have to come back every year to get a Conditional Zoning Certificate. Mr. Mickas stated and I don’t think that was the intention of the Board. Mrs. Jenkins stated right and she believed the only reason they would have to do that (come back) is if the property was sold. Mrs. Jenkins stated we were just trying to change the text in that section to Township Zoning Inspector but Mr. Richter didn’t think the paragraph made sense. Mrs. Jenkins stated she doesn’t interpret it the same way as Mr. Richter is reading it. She said it just says they shall be issued Conditional Zoning

Certificates within one year after the passage and said he takes that as they will have to come back every year. Secretary Milanko read Sec. 703 to members of the audience:

SEC. 703 CONTINUATION OF EXISTING USES CONDITIONALLY PERMISSIBLE UNDER THIS RESOLUTION (page 91)

All uses existing at the time of passage of this Resolution or amendments thereto and conditionally permissible in their respective districts under this Resolution shall be issued Conditional Zoning Certificates within one (1) year after the passage of this Resolution or amendments thereto. The Certificates shall be issued by the Board of Zoning Appeals.

Mrs. Porter asked if anything is “grandfathered” under any of this? She said if it was an existing use and the Zoning Regulations were changed then are they grandfathered? Secretary Milanko stated Mr. Richter talked about that. Mrs. Jenkins stated he did and said they would be grandfathered if it was the same business/permitted use. Mrs. Porter stated then they wouldn’t have to come back. Mrs. Jenkins stated she did not read it as they would have to come back. Secretary Milanko noted page 3 of the January 4, 2018 public hearing minutes where this section was discussed and Mr. Richter asked if it was the intent of the Board in that section to re-issue every single zoning certificate that was granted? She said Mr. Richter stated that is how it reads and that you are re-issuing the zoning certificates within one year of any change to the zoning code. She continued with Mr. Richter’s comments: Is it the intent of the Board to have the BZA re-hear every single conditional; he said that didn’t seem like it made sense because they would be grandfathered. Mr. Richter’s comments said if the BZA granted a Conditional Zoning Certificate it would be very difficult to take that away.

Secretary Milanko referred to the January 4, 2018 Public Hearing Minutes (Page 3/first paragraph) where Mr. Richter suggested it (Sec. 703) should read something like: “*All uses that were permissible prior shall remain valid uses.....*”

Mr. Mickas suggested the Board look over this section as homework to see if we can come up with an amendment or text that will fit the use and intent.

3. Sec. 902-2;E. Submission of Applications

The Board reviewed Sec. 902-E proposed text amendment and the comment(s) from Planning Services Report (January 4, 2018 Public Hearing):

- **Sec 902-2.E.** Upon receipt of an application which requires submittal of a site development plan in conformance with Subsection C above, the **Township** Zoning Inspector shall refer the application to the Zoning Commission for review and approval as set forth in Section 904-3. The **Township** Zoning Inspector shall issue a Zoning Certificate within ~~ten (10)~~ **thirty (30)** days after approval of a site development plan by the Zoning Commission.

Planning Commission comments: According to the Township Zoning Inspector, this timing increase is to allow the site development plan to be reviewed and approved by the Trustees prior to issuance of the Zoning Certificate; however, Sec. 904-3 states that it is the Zoning Commission that approves, disapproves or approves with modification the

Site Development Plan. There is no requirement that the site plan be referred to the Trustees.

Mr. Mickas stated we put this section on hold because it doesn't reference the process of sending site development plans to the Board of Trustees. Mrs. Jenkins agreed and read the comments that the Zoning Commission from the January 4th public hearing:

Zoning Commission comments: The ZC is just a "recommendation" Board. All site plans are sent to the Brunswick Hills Township Trustees for final approval, modification or denial decisions. Hold for revised language amendment.

Chair Jenkins stated the Board should also look at Sec. 904-3 (page 110):

Sec. 904-3 Referral to Zoning Commission

Upon receipt of an application that requires a site development plan as required by Section 902-2(C), the Zoning Inspector shall forward copies of the completed application and site development plan to the Zoning Commission for review and comment. Application which are submitted prior to the established deadline date shall be placed on the next regularly scheduled meeting at which time the Commission shall consider said site development plan.

Chair Jenkins stated Sec. 904-3 just says site development plans are coming to us (ZC) for review and comment. She did not think that Sec. 904-3 needed to change as it just references ZC review and comment.

Mr. Mickas noted Sec. 904-4:

Sec. 904-4 Zoning Commission Action

The Zoning Commission shall act upon an application for site development plan approval within forty-five (45) days of the date the site development plan is first heard by the Commission unless such time is extended with the consent of the applicant. The Zoning Commission may either approve the site development plan as submitted, deny the application, or approve the site plan with specified conditions or modifications.

After reading this section, Mrs. Jenkins stated this is where we may need to add the reference of sending the recommendations to the Board of Trustees. Mrs. Jenkins stated Sec. 904-4 will need to change because the Zoning Commission does not make the final approval; we send our recommendations to the Trustees for the final decision.

Mr. Mickas stated we discussed Sec. 902-2 E.; Sec. 904-3 and Sec. 904-4 at the December 7, 2017 ZC Public Hearing and referred to Page 6 of those minutes where Ms. Czyz was quoted: "Mrs. Czyz stated she would like to address this section and noted that Site Development Plans need to be referred to the Board of Trustees because the Zoning Commission is only a "recommendation Board". Mrs. Czyz stated the Board of Trustees are the ones who sign the preliminary plan and the final plan." Mr. Mickas stated we are missing that next step in the process to forward to the Trustees. Mrs. Jenkins agreed that language needs to be added.

Homework:

Mrs. Jenkins stated we will have to review the following Sections: **Sec. 303-10 E. Regional Flood Plains; Sec. 303-11 Riparian; Sec. 902-2 E Submission of Applications; Sec. 904-3 Referral to Zoning Commission and Sec. 904-4 Zoning Commission Action.**

New Business: None

Additional Business: None

Public Comment: None

Announcement of Next Meeting Date: Thursday, March 1, 2018 @ 7 p.m.

Adjourn Regular Meeting

Motion: Mr. Fulkerson made a motion to adjourn the regular meeting. Second by Mrs. Porter. **Roll Call:** All in favor to adjourn. Meeting officially adjourned at 8:54 p.m.

Respectfully Submitted,

Mary Jean Milanko, Zoning Secretary

Sandra Jenkins, Chair

Date