

**Brunswick Hills Township
Zoning Commission Regular Meeting
July 5, 2018**

REGULAR MEETING

Chair Jenkins called the Zoning Commission Regular Meeting to order at 7:13 p.m. following the public hearing. A Roll Call of the Board was executed.

- **Board Members in Attendance:** Sandra Jenkins (Chair); Matthew Mickas (Vice Chair), Barb Porter, Al Fulkerson; Linda Kijek
- **Others in Attendance:** Trustee Michael Esber, Zoning Liaison; Evelyn Czyz, Zoning Inspector, Mary Jean Milanko, Secretary

Approval of the Minutes –

1. **Approval of the June 7, 2018 Regular Meeting Minutes.** **Motion:** Mr. Mickas made a motion to approve the June 7, 2018 Regular Meeting Minutes. Mrs. Porter seconds the motion. **Roll Call:** Mrs. Kijek-yes; Mrs. Porter-yes; Mr. Fulkerson-yes; Mr. Mickas-yes; Mrs. Jenkins-yes. Motion carries to approve.
2. **Approval of the June 7, 2018 Public Hearing Minutes:** **Edits:** Mrs. Jenkins noted on page 2, paragraph 1, last sentence: *he stated he would probably have less traffic at his house~~that~~ than someone who has 3-4 teenagers.* **Motion:** Mr. Mickas made a motion to approve the June 7, 2018 public hearing minutes as corrected. Mrs. Kijek seconds the motion. **Roll Call:** Mr. Fulkerson-yes; Mrs. Porter-yes; Mrs. Kijek-yes; Mr. Mickas-yes; Mrs. Jenkins-yes. Motion carries to approve.

Continued Business:

1. **Agritourism Law / Senate Bill 75:** Chair Jenkins asked Mrs. Czyz if she was able to follow up on Senate Bill 75. Mrs. Czyz stated yes and it is still on the floor at the House Senate. Mrs. Jenkins stated we have information that the Bill passed in 2016. Mrs. Czyz stated they are reviewing it for amendments and addendums and that's what is sitting on the Senate Floor.

2. Review of the Brunswick Hills Township Zoning Resolution

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

Chair Jenkins asked Vice Chair Mickas if we was able to research additional information since our last meeting. Vice Chair Mickas stated he had not had a chance and stated he may need to reach out to Mr. Brian Richter for his interpretation as to what the language should be.

2. **New Section Review/ Equestrian Activities/ ORC. 519.211:** Zoning Inspector Evelyn Czyz noted the following sections of the Zoning Resolution: **Conditionally Permitted Uses** – RR, Sec. 402,2.B. #1; R1, Sec. 403-2,B. #3; R2, Sec. 404-2, B. #3; R-3, Sec. 405-2, B. #5

B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII.

1. Government or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, equestrian activities, and other similar recreational facilities or uses of similar character which shall exclude uses similar in character to the following: commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, trap shooting, skeet-shooting ranges, pistol ranges, or other ranges for the use of

firearms; the operation of snowmobiles, motorcycles, and all terrain vehicles when conducted as a business such as by renting such vehicles or charging a fee in order to operate such vehicles on private property or the inviting of spectators to view the operation of such vehicles or allowing competition among such vehicles with or without charging a fee subject to Subsection 804.17.

Mrs. Czyz stated “equestrian activities” needs to be removed in totality out of Conditionally Permitted Uses because it falls under the Agricultural Law, ORC. 519.21. Mrs. Czyz stated we cannot regulate equestrian activities. Mrs. Porter asked the Zoning Inspector to define equestrian activities. Mrs. Czyz stated having horses or anything involving horses. Mrs. Porter referenced commercial riding arenas. Mrs. Czyz stated it is equestrian under agricultural law. Vice Chair Mickas stated he would prefer to have the Board review ORC. 519.21 before making any changes and discuss it at our next meeting.

Trustee Esber asked if this is under the new Agritourism Law or is it already a law. Mrs. Czyz stated it’s a Law and read from the ORC: *A horse farm owner’s construction of a lake, a track to be used for the training of his horse. Horses are incidental to the agricultural purpose of breeding, raising and training of horses and is thus exempt from 519.21 for any requirement existing in a Township Zoning Resolution.*

Mrs. Czyz stated “equestrian activities” should not have been in there when we revised the Zoning Resolution. She stated we came upon this because we may have an equestrian center coming in to the Township. Mrs. Porter asked about the section from the Ohio Revised Code the Zoning Inspector quoted and asked if that said the training of horses and so forth? Mrs. Czyz said they can have riding stables and they can train, they can also have a horse ring where they train the horses to jump over hurdles. Mrs. Porter said so they can train riders there too, is that correct? Mrs. Czyz said they train the rider with the horse; not every horse knows how to jump over a hurdle. Mrs. Porter was trying to think of an equestrian operation that was commercial but still agricultural. Mr. Mickas said so your question is running as a business such as stables and that is still covered, but what about something bigger? Mrs. Porter said yes. Mrs. Czyz stated as long as they are raising horses it’s covered. Mr. Fulkerson asked where they would put an equestrian operation in the Township because you would need a fair size piece of land. Mrs. Czyz said all you need is one acre if you are in a subdivision and if you are not in a subdivision five acres. She stated on Sleepy Hollow Road there are a number of large tracks of vacant land. Mrs. Czyz stated that we have had more inquiries in Medina County for equestrian centers than we’ve ever had per her conversations with other Zoning Inspectors.

Trustee Esber referenced page 6/119 of the Zoning Resolution; **Definitions: *Agriculture*: Shall be as defined in Chapter 519 of the Ohio Revised Code.** Trustee Esber noted we do not have a definition for equestrian in our book. Mr. Mickas said just to clarify, anything agricultural cannot be a Conditional Use because it is automatically considered agricultural per the ORC. Mrs. Czyz stated yes. The Board will review Sec. 519.21 of the ORC.

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

- E. Conditionally Permitted Uses In Intermediate Regional Flood Plains - The following uses of land and structures may be permitted by the application for and the issuance of a Conditional Zoning Permit by the Board of Zoning Appeals that the use pattern and the structures proposed to accomplish said use shall be so designed as not to reduce the water impoundment capacity of the flood plain or significantly change the volume or speed of the flow of water. Such design may be accomplished by the use of piles, stilts, cantilevering or other such construction methods which will place the desired building and structures above the determined flood level elevation in a safe manner that the foundation and structural supports of buildings and structures will withstand the anticipated level, volume, and velocity of the water and minimize impeding the natural free flow of the floodwater.
 - 1. Utilities, roads, off-street parking, structures and buildings for public or recreational uses, when designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety, and welfare.

2. Dumping or back filling in a manner and with material approved by the Board.

Chair Jenkins stated we had staff comments from Andy Conrad of the Medina County Engineer's Office that said our wording of "Intermediate Regional Flood Plains" was in the old language that dated back to 1973 which predates the FEMA Flood Plain Maps and suggested it be updated to today's nomenclature and verbiage which is "Medina County Flood Reduction Regulations". Mrs. Jenkins asked if this means we just need to change that wording because this section is under the County. Mrs. Czyz agreed and said when a Riparian area is noted on a plan she has to measure that because in some areas it is a 25 foot setback and some areas it is a 75 foot setback depending on the streambed. Mrs. Czyz stated the County governs this. The Board is considering the updating the language "Intermediate Regional Flood Plains" to read: "Medina County Flood Reduction Regulations". Vice Chair Mickas stated there are Permitted Uses listed in Sec. 303-10, D. in Intermediate Regional Flood Plains and Sec. 303-10 E. talks about Conditionally Permitted Uses. Mrs. Czyz stated a Riparian area is permitted on a lot but it still has to meet the requirement and be approved by the County and the Army Corps of Engineers. Mrs. Jenkins stated the issue is our term "Intermediate Regional Flood Plain" is no longer recognized and the County wants us to update our language to the new verbiage to tie to the County's Flood Reduction Regulations. Mrs. Czyz mentioned Sec. 303-10 E. also references the Board of Zoning Appeals but everything must go before Medina County before the Board of Zoning Appeals. Mrs. Jenkins stated we should just leave that language alone and just update the new term. Mrs. Czyz agreed. Mr. Fulkerson asked if we are having a problem in the Township in a certain area with this. Mrs. Czyz stated no; when the County reviewed our language, they just recommended we update the name Intermediate Regional Flood Plain to the new name of Medina County Flood Reduction Regulations.

While discussing flooding issues, Mrs. Kijek noted that the City of Brunswick is going to clean Brunswick Lake again and expressed her concern that it will affect others downstream. Chair Jenkins stated that we do not have any control over that as far as zoning because that goes to Medina Storm Water Management. Mrs. Czyz also confirmed it's the County. Trustee Esber stated Mrs. Kijek could also contact Chrissy Briggs at the Medina County Engineer's Office with any concerns. Mrs. Czyz stated it can only help the clean water flow if they are going to clean it. End of discussion.

4. Sec. 902-2.E. Submission of Applications

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

Mrs. Jenkins stated we were looking at this section because it does not come to the Zoning Commission for approval. When it comes to the Zoning Commission we only make a "recommendation" on approval, denial or modification and send it to the Board of Trustees for their approval of a site development plan. Mrs. Jenkins noted we did increase the time on that from 10 days to 30 days when we did text amendments. Chair Jenkins stated we will work on that verbiage and said to put it on the agenda for next month.

5. 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.

Mrs. Jenkins stated the Medina County Staff report noted that there is no requirement listed here that the site development plan be recommended to the Board of Trustees for final decision, but that is the process. She stated we do not make the final decision, we only provide a recommendation to the Trustees for approval or denial of the decision. Chair Jenkins stated we will work on that verbiage and put it on next month's agenda.

6. Other sections deemed necessary: Chair Jenkins noted our Zoning Inspector pointed out Sections that relate to Equestrian Activities for review.

New Business: Zoning Commission Board Applications

Chair Jenkins asked Trustee Esber if we have any new applications for the Zoning Commission Alternate Board positions. Trustee Esber stated we do and they will be conducting an interview before the next Trustee meeting. Trustee Esber stated the BZA Board is now full and we have one application for the Zoning Commission.

Additional Business: None

Public Input: None

Announcement of Next Meeting Date: Thursday, August 2, 2018 @ 7 pm

Motion to Adjourn Meeting: Upon no further business, Chair Jenkins made a motion to adjourn the meeting. Mrs. Porter seconds the motion. **Roll Call:** All in favor to adjourn. Meeting officially adjourned at 7:51 p.m.

Respectfully Submitted,

Mary Jean Milanko, Zoning Secretary

Sandra Jenkins, Chair

Date