

**Brunswick Hills Township
Zoning Commission
Regular Meeting – May 2, 2019**

Call Meeting to Order

Vice Chair Mickas called the meeting to order at 7:28 p.m. A roll call of the board was executed:

- **Board Members in Attendance:** Matthew Mickas (Vice Chair), Trica Murphy, Barb Porter, Linda Kijek
- **Alternate Board Members in Attendance:** Patti ~~Waterman~~ *Wetterman*
- **Board Members Not in Attendance:** Sandra Jenkins (Chair) excused absence.
- **Others in Attendance:** Evelyn Czyz, Zoning Inspector, Trustee John Witthuhn (Zoning Liaison), Mary Jean Milanko, Zoning Secretary

Mrs. Wetterman was seated to represent a full board in the absence of Mrs. Jenkins.

Approval of Minutes

1. April 4, 2019 Public Hearing Minutes

Motion: Mrs. Murphy made a motion to approve the public hearing meeting minutes from April 4, 2019. Mrs. Porter seconds. **Roll Call:** Mrs. Wetterman-yes; Mrs. Kijek-yes; Mrs. Porter-yes; Mrs. Murphy-yes; Mr. Mickas-yes.

2. April 4, 2019 Regular Meeting Minutes

Motion: Mrs. Kijek made a motion to approve the minutes of the regular meeting on April 4, 2019. Mrs. Murphy seconds. **Roll Call:** Mrs. Porter-yes; Mrs. Kijek-yes; Mrs. Murphy-yes; Mrs. Wetterman-yes; Mr. Mickas-yes.

Continued Business:

1. Agritourism

Mr. Mickas stated we just had a public hearing on this and discussed it and there is a lot of work on that yet to do. He said we can sit here and try to go through it or one of us can make adjustments on the amendment and present it back to the board at the public hearing.

Mrs. Porter referenced definitions and asked rather than spell out each definition that we just refer to the section number in the ORC (Ohio Revised Code) in case the definitions change. Mrs. Murphy agreed. Mr. Mickas said he did agree that if anything changes in the ORC then it would change our law, however, if the law ever does change then we need to look at our law anyway. Mrs. Czyz stated then you are going to have someone constantly looking at the ORC. Mr. Mickas stated I think we need to do that either way because if something changes then we might not be in compliance with the ORC. Mr. Mickas stated when he was putting the definitions together ~~he~~ *he* thought that agriculture was the only definition that referenced the ORC and everything else was spelled out. Mr. Mickas asked the board to review the notes from the meeting with the Prosecutor and said he would try to put together a revision for the public hearing next month.

Questions by the Board

Mrs. Wetterman had a question on use of the buildings for Agritourism and asked what if they are not using the buildings for agriculture or agritourism. Mrs. Czyz said if they are still saying they are using the buildings for agriculture it has to be 51% for that use. She said they can't say they have an agritourism building but I'm storing cars in it. Mrs. Wetterman asked what about if they have weddings in it. Mrs. Czyz stated her understanding was as long as they have one grape vine planted they can use that building. Mrs. Murphy said if they have weddings then it falls under Agritourism. Mrs. Czyz stated yes, but Mrs. Wetterman was asking if the building is vacated and they don't use it for Agritourism. Mrs. Wetterman referenced Mapleside and said they have been closed and they are not selling anything on the farm except weddings, super hero things, concerts, etc. Mrs. Czyz said that barn is in the City of Brunswick, not the township, and she does know what the city allows them to do. Mrs. Wetterman said she was questioning

exempts them from the building code. There are no exemptions from the Ohio Fire Code when there will be an assembly use or open to the public. They must comply with all requirements of the Ohio Fire Code.

Mrs. Porter said we need to put that in our resolution. Mr. Mickas said he didn't think so if they are stating that a building, no matter what, needs to comply with the Ohio Fire Code then we don't need anything in our resolution because they have to follow their standards. Mr. Mickas said unless the Ohio code is less restrictive on the size and we want to be more restrictive.

Mrs. Porter asked about the building setback lines and asked, can we show that those can affect safety if the emergency vehicles could not get in between buildings and so forth? Mrs. Porter referenced the Prosecutor's opinion that we have to be able to articulate why we are doing this for public health and safety and that would be the only reason we could regulate it if challenged. She said we know the ingress and egress would be public safety. Mr. Mickas said I think his concerns about the setback line were only setback lines for the structures used for Agritourism, so that doesn't mean for every building on the farm. Mr. Mickas said his personal opinion is that he didn't know if that was something we should try to enforce.

Mrs. Porter asked about regulations of access driveways and said we have to have driveways that can be negotiable for emergency vehicles. Mr. Mickas said only if it is considered public health and safety and read ORC 519.21 (C) (4) (4) *Agritourism. However, a board of township trustees, as provided in section 519.02 of the Revised Code, may regulate such factors pertaining to agritourism. except farm markets as described in division (C)(1) of this section, as size of a structure used primarily for agritourism. size of parking areas that may be required, setback building lines for structures used primarily for agritourism. and egress or ingress where such regulation is necessary to protect public health and safety.*

Nothing in division (C)(4) of this section confers power on a township zoning commission, board of township trustees, or board of zoning appeals to require any parking area to be improved in any manner, including requirements governing drainage, parking area base, parking area paving, or any other improvement.

Mr. Mickas said I guess we can regulate ingress and egress but I would want to reach out to the Prosecutor's Office if we wanted to do something like paving. Mrs. Porter said she didn't mean paving but there has to be an all-weather driveway and said what if somebody has a heart attack and the emergency vehicles can't get back there because it is a mud drive. She said it could be gravel; it doesn't have to be paved.

The board referenced page 2-3 of the Planning Commission report comments on proposed new language in Sec. 303-14 Agritourism 303-4 (B) (b) "Access by public emergency equipment such as fire, ambulance and police vehicles shall be provided. Planning Commission *It appears that the intent of this section is to require the provision of adequate emergency access, however, no criteria for compliance is established. Requirements should be specified or the section should be deleted.* Mrs. Kijek asked if the criteria would be established by the fire department after they reviewed it? Mrs. Czyz stated also through the police department and said what if we have a situation there we have to get our SWAT vehicles in there. Trustee Witthuhn said there is state law that says what they have to comply with for the fire code, but it doesn't say it has to be cement or a six inch base of gravel. He said they are saying that you have to define what does "accessible" mean. Meaning no dirt roads or pavement able to sustain x-amount of tons, etc. Mrs. Czyz said it would encompass all safety forces which could be a SWAT vehicle, a water tanker, etc. Trustee Witthuhn said a fire engine carries up to 500 to 1000 gallons of water. Mrs. Czyz said the access driveways have to be maintained.

Mrs. Wetterman asked if you are going to do safety by emergency equipment, wouldn't the ingress and egress from the parking come under that at least to get the emergency equipment in the parking lot? She said if you've got a parking lot and you have to get an ambulance in there or there is a car fire or something you have to be able to get the equipment in there so you can't have a muddy road for parking places. Mrs. Wetterman said in private homes and places that are set back from the road, you have to have a place where the trucks can pull off. Mrs. Czyz said 200 feet and you have to have a 50 ft. clearance pull off and this would apply to Agritourism as well. Mr. Mickas asked if agricultural has to have that and what section of

- Sec. 904-4 Zoning Commission Action
- Sec. 904-5

Mr. Mickas stated he did not have time to make revised edits to these sections before the meeting. No further comments.

New Business: None

Additional Business: Mrs. Kijek asked about the status of the fire department making a presentation to the board regarding fencing around commercial property. Secretary Milanko stated when Chief Strazzo was at the last meeting he said they are still doing additional research and will make a presentation to the board at a future meeting. Trustee Witthuhn stated he received an update from the Chief and he said they have a lot going on right now, but they are researching it but there is no definite date yet to present to the board.

Public Input: Agritourism

1. **Ron Wetterman, 1085 Substation Road, Brunswick Hills** approached the podium with a hypothetical question regarding the Agritourism and said someone comes into the township and buys property and decides they want to start an Agritourism business, is it my understanding they have to be in business two years before they are granted the assessment of Agritourism? Mr. Mickas stated that I don't believe we know that yet, but Evelyn is going to follow up with that at her workshop for Zoning Inspectors so we may know more about that at the next meeting. Mr. Mickas stated he could reach out to Mr. Richter and said he believed that the ORC does mention they have to prove they were agricultural first. Mr. Wetterman said ok so they go into business and they prove that they are making the \$2,500 a year, doesn't zoning have a saying in their buildings and anything else before they become Agritourism? Mr. Mickas said only what's regulated under agriculture and whatever they can do from Medina County building codes. Mr. Wetterman said right but they are inviting someone in to buy something they have to have a public restroom and don't they have to comply with the disabilities act (ADA)? Don't they have to have a disability accessible bathroom and parking? Mrs. Kijek said wouldn't that have to be done before it turns into Agritourism? Mrs. Murphy said no because when they are agriculture they are not inviting in the public. Someone on the board said that would be under Federal Law. Mr. Mickas said to Mr. Wetterman's point, do we need a statement on an existing building that is going to be turned into a primary use for Agritourism what are the regulations, but I think the ORC specifically states what the regulations have to be. He said if they change the use of the buildings then do they have to go back to the county on the building codes, so I'll reach out to the Prosecutor's Office and ask that question.

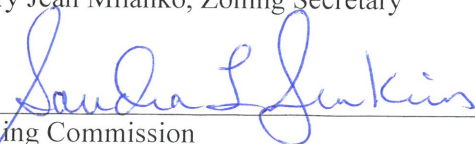
Announcement of Next Meeting Date: **Thursday, June 6, 2019 @ 7 p.m.** (Continued public hearing followed by regular meeting).

Mrs. Czyz reminded the board that their July meeting falls on the July 4, 2019 holiday and they may wish to the following week.

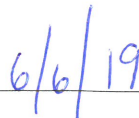
Adjourn Regular Meeting

Motion: Mrs. Kijek made a motion to adjourn the meeting. Mrs. Porter seconds the motion. **Roll Call:** All in favor to adjourn. Meeting officially adjourned at 8:25 p.m.

Respectfully Submitted,
Mary Jean Milanko, Zoning Secretary



Zoning Commission



6/6/19