

**Brunswick Hills Township  
Zoning Commission  
Continued Public Haring Meeting Minutes  
February 6, 2020**

**CALL MEETING TO ORDER**

Chair Murphy called the Brunswick Hills Township Zoning Commission continued public hearing meeting to order at 7:00 p.m. A roll call of the board executed.

- **Board Members in Attendance:** Barb Porter, Trica Murphy, Patti Wetterman
- **Alternate Board Members in Attendance:** Sy Mougrabi, Robert Norton
- **Others in Attendance:** Wes Humphrey, Assistant Zoning Inspector; Matthew Payne, Fire Prevention Officer, Secretary Milanko

**CONTINUED BUSINESS: PUBLIC HEARING ON PROPOSED TEXT AMENDMENTS TO THE BRUNSWICK HILLS TOWNSHIP ZONING RESOLUTION**

1. **Agritourism** – Add new Sec. 303-14 Agritourism Purpose and General Regulations.

Chair Murphy opened the continued hearing for Agritourism with public comment.

**Public Comment**

1. **Bill Thorne, Attorney for Mapleside Farms.** Mr. Thorne referenced section **C. Application for Agritourism Use** and said it was his understanding from the workshop that the board was going to remove “and Final Development Plans in accordance with the provisions of Section 902 herein” as there is no provision for that in Section 902. He said other than that he has no further comments.

**Discussion by the Board**

Mrs. Porter said I think we need to add a section D. in Section 303-14 for existing agritourism operations and suggested the following language:

**D. Provisions Pertaining to Existing Agritourism Operations.**

- a. All agritourism operations in existence before Agritourism amendment to the Brunswick Hills Township Zoning Resolution shall be considered grandfathered.

The board agreed to add the new language.

Chair Murphy had two comments on the amendments. The first comment is what Mr. Thorne brought up on Sec. 303-14 C. Application for Agritourism Use. She said we are taking out General Development Plans, and Final Development Plans but we should take out everything to herein.

**C. Application for Agritourism Use**

**Agritourism use is approved through the submission of an application, ~~General Development Plans, and Final Development Plans in accordance with the provisions of Section 902 herein~~ and ~~should~~ shall include the following for safety purposes:**

Chair Murphy referenced section C. Applications for Agritourism Use, “I.” and noted that now becomes section “h.” due to the deletion of some text. She also noted the Ohio Revised Code (ORC) Section (§) 901.80 (A) (4) and said we should just list as (§) 901.80 in case something is changed in the ORC.

**Sec. 303-14 C. Application for Agritourism Use**

- a. **The total acreage of the farm;**  
**Placement of proposed buildings and/or structures;**  
**Floor plan of the buildings and/or structures to be used for primarily for agritourism activities;**  
**Spacing of buildings and structures;**
- b. **Setbacks of building and structures used primarily for agritourism activities;**
- c. **Off-street parking lots and parking areas;**
- d. **All points of ingress and/or egress;**
- e. **Walkways providing means of travel between buildings used primarily for agritourism activities;**
- f. **Use of existing and proposed buildings and/or structures used primarily for agritourism activities;**  
**Location of all public rights-of-way;**
- g. **The agritourism provider shall identify indicate the educational, entertainment, historical, cultural, and/or recreational relationship of the agritourism operation to the existing agricultural use of the property and the surrounding agricultural community in general;**
- h. **The agritourism provider shall attest that the farm on which the agritourism operation is proposed conforms to the definition of farm in the Ohio Revised Code (ORC) Section (§) 901.80 (A)-(4) and as provided in this section.**

**MOTION TO ACCEPT SEC. 303-14 AGRITOURISM TEXT AMENDMENTS:**

**Motion:** Mrs. Wetterman made a motion to accept the Agritourism Zoning Commission recommendations from the December 11, 2019 workshop as corrected and forward to the Trustees for a public hearing. Mrs. Porter seconds. **Roll Call: Mrs. Porter-yes; Mr. Mougabi-no; Mr. Norton-abstain; Mrs. Wetterman-yes; Mrs. Murphy-yes.** Chair Murphy said the motion passes and the board will forward to the Trustees to hold a public hearing.

**CONTINUED BUSINESS – PUBLIC HEARING ON EXISTING ZONING RESOLUTION AMENDMENTS**

**2. Proposed Text Amendments to Existing Zoning Resolution:** Sec. 303-10 (E), Sec. 406-7(A)(1), Sec. 411-5 (B), Sec. 411-5(F), Sec. 703, Sec. 704, Sec. 705, Sec. 902-2 (E), add new Sec. 904-3, 904-4, 904-5, 904-6, 904-7, Sec. 1103. Remove “equestrian activities” from Conditionally Permitted Uses in all Zoning Districts. Gender Neutral Changes in: Sec. 411-6, Article II Definitions Personal Care Services, Plainly Audible, Sec. 303-9 Driveways, Sec. 303-10 (C), Sec. 402-5(E), Sec. 406-1, Sec. 411-5 (A), Sec. 507 (D), Sec. 802-1, Sec. 804-2 (2) Sec. 903-2, Sec. 1001-1, Sec. 1003-4, Sec. 1004, Sec. 1103, Sec. 411-5 (D).

Chair Murphy opened up the second order of business to public comment. No public comment.

**Discussion by the Board**

Mrs. Porter referenced **Sec. 507 SUPPLEMENTARY REGULATIONS** (page 10 of proposed edits) and said she wasn't quite sure what we were trying to accomplish with this section. Chair Murphy stated the Medina County Planning Commission recommended that we change it to "their" authorized agent and Evelyn Czyz, Zoning Inspector last month suggested we do further review on whether we even need that. The board agreed to change it to "their" authorized agent.

**SEC. 507 SUPPLEMENTARY REGULATIONS**

- D. Identification - All signs must carry the name of the advertising agency, the erector, or his ~~an~~ **their authorized** agent.

Mrs. Porter referenced **Sec. 1003-4 Decisions** and noted the correction on decisions made by the Board of Zoning Appeals will be made by "decision(s)" instead of by "Resolution". The board noted that only the Trustees make Resolutions.

**Sec. 1003-4 Decisions**

Every decision of the Board of Zoning Appeals shall be by **Resolution decisions**, each of which shall contain a full record of the findings of the Board of Zoning Appeals in the particular case. Each such **Resolution decision** shall be filed in the office of the Board of Zoning Appeals together with all documents pertaining thereto. In granting an approval the Board of Zoning Appeals may impose such conditions and/or stipulations as it may deem necessary to protect the public health, safety, welfare and in furtherance of the purpose and intent of this Zoning Resolution. A certified copy of the Board's decision shall be transmitted to the applicant or appellant and to the **Township** Zoning Inspector. Such decision shall be binding upon, and observed by, the **Township** Zoning Inspector ~~and observed by him and he~~ **the Township Zoning Inspector** shall incorporate the terms and conditions of the same in the Zoning Certificate or Conditional Zoning Certificate to the applicant or appellant, whenever such permit is authorized by the Board.

Robert Norton noted all of the sections regarding the removal of "equestrian activities" (Sec. 401-2, B#2, 402-2, B#1, 403-2, B#3, 404-2, B#3, 405-2, B#5, 804-17) and said it references skeet-shooting ranges, pistol ranges and other ranges for the use of firearms. Mr. Norton suggested that sporting clays should be added to this section. Chair Murphy noted that the changes in these sections were to remove "equestrian activities" as we cannot regulate that. Chair Murphy suggested that the board look through the entire Zoning Resolution to note where sporting clays should be added. The board agreed to add that to continued business for next regular meeting.

Mrs. Murphy noted section **902-2 Submission of Applications** and stated it now references Sec 904-4 and said she believes it should be Sec. 904-4 and 904-5 and read "the Township Zoning Inspector shall forward copies of the completed applications to the Zoning Commission for review and recommendation for approval, denial, or approval with specific conditions or modifications" She said 904-5 talks about the Zoning Commission Action which contains the same language. The board agreed to add Sec. 904-5 to Sec. **902-2 Submission of Applications:**

**Sec. 902-2 Submission of Applications**

- E. Upon receipt of an application(s) which requires submittal of a site development plan in conformance with Subsection C above, the **Township** Zoning Inspector shall refer the application(s) to ~~the Township Fire Department~~ **Emergency Services for review and comment, within seven (7) days. The Township Zoning Inspector shall also refer the application to the** Zoning Commission for review and **recommendation for approval, denial, or approval with specified conditions or modifications of the site development plan to the**

**Board of Trustees** as set forth in Section ~~904-3~~ **904-4** and **Sec. 904-5**. 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~~ **Board of Trustees**.

Chair Murphy noted on page 2, **Sec. 411-5, D. Review and Approval of General Development Plans**. She said it looks like the parenthesis on (30) days looks like it is crossed out so add it back in. Correction noted.

**411-5** D. Review and Approval of General Development Plans  
Upon receipt of a complete application for General Development Plan approval as set forth in Section 411-5(B), the Zoning Inspector shall forward copies to the Zoning Commission and such other officials or advisors as the Trustees may from time to time designate. The Zoning Commission shall schedule the application to be heard at their next general meeting occurring at least ~~ten (10)~~ **thirty (30), no more than forty five (45)**, days subsequent to filing of the complete application at which time the applicant shall be provided an opportunity to present the proposed Conservation Development. The Zoning Commission shall review each General Development Plan and shall make a recommendation to the Board of Township Trustees regarding same within sixty (60) days of the date at which such final development plan is first heard by the Zoning Commission unless such time is extended with the consent of the applicant. The Board of Township Trustees shall act upon each General Development Plan referred by the Zoning Commission within sixty (60) day of receipt of the Zoning Commission's recommendation provided, however, that said time period may be extended by the Board of Township Trustees with the consent of the applicant.

Mrs. Porter referenced **Sec. 411-5 (Conservation Development) Application Requirements and Procedures** and asked if the thirty (30) days should be crossed out. Chair Murphy stated it is crossed out because we changed it to “Applications shall be submitted by the submission deadline to be heard at the following month’s meeting.” No additional changes to this section.

**MOTION TO ACCEPT AMENDMENTS TO THE EXISTING ZONING RESOLUTION:** Mrs. Wetterman made a motion to accept the corrections on the existing zoning resolution and forward to the Trustees for their action. Mrs. Porter seconds. **Roll Call:** Mrs. Wetterman-yes; Mrs. Porter-yes; Mr. Norton-yes; Mr. Mougrabi-yes; Mrs. Murphy-yes.

Chair Murphy stated the motion passes and the text amendments will be forwarded to the Trustees.  
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**NEW BUISNESS: PUBLIC HEARING REDWOOD APARTMENTS REZONING APPLICATION**

**1. Zoning Map Amendment Application to Rezone Parcel #001-02C-18-022 (33.24 Acres) on the Corner of Pearl Road and Sleepy Hollow Road by Redwood Apartment Neighborhoods (Pat Rakoci)**, 7510 E. Pleasant Valley Rd, Independence, OH 44131 and property owner Thomas A. Shumay. Present Zoning: RR, C3 to proposed rezoning to C-3 Multifamily Dwellings in C-3 Districts per Sec. 804-16 of the Brunswick Hills Township Zoning Resolution.

Chair Murphy stated the application was forwarded to the Medina County Planning Commission and they had a hearing on this last night. She said we received the report this evening and read the Planning Commission Executive Summary for Redwood Apartments Rezoning Request:

**EXECUTIVE SUMMARY**

The subject parcel is located at the southwest corner of the intersection of Pearl (SR 42) and Sleepy Hollow Roads (see Map 1 below). The applicant proposes to change the zoning district on a 6.34 acres section of the subject parcel from R-R Rural Residential to C-3 Highway Arterial Commercial. The applicant proposes to shift the R-R and C-3 boundary 230 feet to the west.

**Recommendation: APPROVAL**

Chair Murphy read the comments from the Planning Commission report:

**Comments:**

1. Sewer and water are available to the site.
2. While the portion of the subject site proposed to be rezoned is recommended for Large Lot Residential, the applicant is only asking for a small area to be amended.
3. All permitted and conditionally permitted uses in the C-3 district are possible upon the adoption of the zoning map amendment; as such, the proposed use listed is not relevant to the map amendment application. It must be noted that this is the most intense of the commercial districts.

Chair Murphy asked the applicants to present their case to the board.

1. **Pat Rakoci, Redwood Apartments, 7510 E. Pleasant Valley Road, Independence, Ohio.**
2. **Chris Schmidt, TGC Engineering, 1310 Copley Road, Sharon Center, Ohio**

Ms. Rakoci said currently it is a 32-acre parcel and most of it is C-3 and we want to extend the C-3 230 feet and one of the reasons why we want to do that is because of the large pond that is on this property. Ms. Rakoci said if the property was purchased by someone else, they could have the C-3 and then have the R-R as two different parcels and then the pond would be potentially on three different properties and then the question would be who is in charge of the maintenance of that as far as the three owners. She said our thought was to move that line over so that all of the pond would be encompassed on the C-3. She said we do not plan on selling the R-R and would keep that as a buffer. She said if for some reason we did split it off, and we don't anticipate doing that, but just in case for a single family of R-R then the pond would potentially be on that portion of the property as well. She said Redwood wants to make sure that we always have the control and the maintenance of that pond.

Ms. Rakoci said in addition, the property has been vacant and for sale for a number of years by Mr. Shumay. She said because of the topo (topography), it's going to be a beautiful site but somewhat challenging and because of that the density won't be what it could be. She said what we build are single-family one-story ranch apartments and so we would like to add a few more acres just to allow a little more space for a few more apartment homes. She said we would like the other 5.5 acres to remain in the R-R (Rural Residential) and that is the reason we are here tonight.

**Discussion/Questions by the Board**

Chair Murphy asked if the owner of the property, Thomas Shumay was here tonight. Ms. Rakoci said he is not. Mrs. Murphy said she had a question on the application that was submitted and said that the owner's signature is to be notarized and she did not see on the application that his signature is notarized. Ms. Rakoci stated she did not know that was needed. Mrs. Murphy said to Ms. Rakoci it does say that *I, Thomas Shumay, give you permission to represent me* and then you signed it. Ms. Rakoci stated he did sign the letter. Mrs. Murphy stated he did sign the letter and that was not notarized either. Chair Murphy requested that Mr. Shumay sign the application and the letter and that both be notarized and submitted to the board. Ms. Rakoci stated she would have it notarized.

Mrs. Wetterman asked in regard to the pond if it would be possible to extend the zoning to just the bottom part of the pond rather than the whole R-R? Ms. Rakoci held up her map and asked where it would move to. Ms. Rakoci said I'm sure that could be done, but if you are going to do that it won't give me the additional space for a couple of more units because that would just be in the pond area. She said I was requesting it to have a few more acres because of the topo and I could build a few more apartment homes. She said it is certainly possible to do that, but I will not do that. Mrs. Wetterman asked how many more new homes she would put on that. Ms. Rakoci said we haven't really done a final concept plan yet; we were coming in first before you to see if we can get a few more acres. She said I don't know, but based on our ranch units it's low density because we don't build three to four stories so maybe 10 or 15? She said she didn't know because they haven't gone into that yet until we see if we can the additional few acres.

Mrs. Porter asked if it would be possible to develop it just as it is. She said you could get a good number of apartments in there I'm sure. Ms. Rakoci said the way it is now without the rezoning, yes, it is possible to do that. Ms. Rakoci said but from an economic perspective based on the topo and the pond we are buying the entire parcel, which is our decision to do that if we are buying 32 acres and we can only use some of it. She said on the bottom part we really can't do anything with it because of the topo. Ms. Rakoci pointed to where they wanted to build the ranch units and pointed to areas she can't build on because of the pond. She said the pond is a nice feature and we are glad it's there and we will maintain it to be a nice amenity, but it makes it a challenge to develop this parcel so that's why I am asking to go a bit further. Ms. Rakoci said I'm really not going to be adding that many more units, but it would make a little bit more viable for us. Mrs. Porter asked how many units are you thinking of putting in there? Ms. Rakoci said for the whole thing on the top part maybe 70 and another 10. She said normally our developments range between 100 – 300, so this is relatively a small neighborhood for us. She said we have other properties in the Brunswick Hills area off of Marks Road and they've done well and there seems to be quite a need for it and that is why we want to continue to build our neighborhoods in this area. She said in addition, since this land has been for sale for quite some time, it is not giving any type of revenue to the township or the county and our residents would bring in more retail business and establishments to the area. She said this is low density and they would be what you see on Marks Road. She said it's quiet, very few children and we market to professionals and empty-nesters.

Ms. Rakoci said tonight is just for the map amendment and I would obviously be coming back for the site plan approval. She said I am not asking for that this evening, just to see if a few acres can go to C-3 from R-R. Mrs. Porter said so basically you are interested in making the property more valuable by doing this. Ms. Rakoci said yes, it would definitely be more valuable for Mr. Shumay. Mrs. Porter said that leaves us in a predicament according to our Zoning Resolution and referred the board to page 117, **Sec. 1103, Contents of Application for Amendment to Zoning Resolution (A; 1)** and read to the audience:

**SEC. 1103      CONTENTS OF APPLICATION FOR AMENDMENT TO ZONING RESOLUTION**

A. All applications for a zoning amendment shall include:

1. Evidence that the existing Zoning Resolution is unreasonable with respect to the particular property, and it deprives the property owner of his lawful and reasonable use of the land. For the purposes of this Zoning Resolution, a limitation upon the financial gain from the land in question shall not constitute unreasonable zoning.

Mrs. Porter stated the zoning is not unreasonable on the land. Ms. Rakoci said I didn't say it was. Mrs. Porter referenced #18. on the application and read from it: **#18. The existing zoning is unreasonable and deprives the property owner of his lawful and reasonable use of the land because: with 2 types of zoning, C-3 cannot**

***be fully utilized resulting in less land value and request a zoning change via a map amendment by 6.5 acres to C-3 leaving 5.5 acres to R-R as shown like adjacent parcels west.***

Mrs. Porter said you are stating less land value and that is what I am referring to. Ms. Rakoci said yes, that is correct, more for the property owner than myself. She said the C-3 does allow me to build my multi-family and I am in total agreement with what you just read. Ms. Rakoci said I'm just saying from my perspective, the land becomes more valuable to me because it allows me to build a few more units. She said quite a bit of the land now because of the pond and the topo doesn't allow for much development which might be one of the reasons that it has sat empty for so long. She said I don't know that; I am just surmising in talking with the owner and I guess he's had it under contract a few times from what I've been told but it never went through. She said one of the reasons is the pond and topo make it very challenging to develop the site but that has nothing to do with the current zoning; that is just the land. She said that is why I am asking for a few more acres to be C-3 because so much of the C-3 is not developable.

Chair Murphy asked if she meant that whole southern portion of the parcel is not developable? Ms. Rakoci said because of the topo I'm not saying it is not, but the majority of the southern part would be very challenging if at all. Mr. Schmidt (TGC Engineering) said those are two-foot contours and is doubly as bad on the east side of the pond. Chair Murphy said you are referring to that portion by Pearl Road that would be difficulty to develop. Ms. Rakoci and Mr. Schmidt said that is correct. Ms. Rakoci said I think the sign sits down a bit. Mr. Schmidt said everything drains down to that lake on the site.

**PUBLIC COMMENT:**

**1. Velvet Workman, 2231 Pearl Road, Brunswick Hills.** Ms. Workman said no disrespect to the people who are building, but the reason I moved to Brunswick Hills is because the law out here said you had to have at least 2-acres around you to build. She said I live across the street, west, from the property. I moved here to get out of the city because both of my parents died from cancer and I'm trying to stay away from pesticides and the carbon monoxide that will go with the extra traffic. Ms. Workman said my property was C-3 and still is C-3 and I was held steadfast that you must have 2-acres in order to build. She said my two parcels together make up 9.98 acres. Mike Ruby was the Zoning Inspector at the time and I was told I could go CAUV. She said he knew that I was building a house because I got all of the proper permits. She said once I built my house, I was told no you are not CAUV exempt because the acre around you house no longer counts as part of your CAUV. She said I bring this up because from 1997 till now, for the last 23 years, I've paid the maximum amount of taxes that you can pay on your property. She no matter how I fought it I feel that was unfair. She said so now you have another C-3 and other people that are not held to this two-acre, per house, per unit, to build. She said if you put the apartments there, now you have to widen the streets, you have to maintain the grounds which will be a lot of chemicals which I moved away from. She said I've already been a victim of cancer twice and it is not easy for me to just get up and leave is because for 23 years I've cleared my land by hand with an axe; I've put up fences and planted fruit trees. She said to get up and leave now I have concerns about that and I have concerns about the traffic, and I already can't get out of my driveway on a busy day. She said there is a much-needed light at the corner of Sleepy Hollow and there are days it is so busy I have to wait to get out of my own driveway.

She said I have well water and I'm concerned that if city water is available, will I have to tie into it as well? She said you are going to have a lot of fertilizer going into that pond and is that going to leach into my well and then I have to pay \$5,000 - \$10,000 to tie into city water? She said I have animals and that would be extremely expensive for me and will this encroach on my rights to have my farm? She said I get up very early and let my dogs out and I have 10-acres so they are allowed to bark and asked if that will be a problem if the sound carries over. She said there are a lot of things that seem really unfair on why I was held to have only one dwelling on my C-3 property, but now anyone else can come into Brunswick Hills and build as many properties, houses, apartments or anything they want. She said if that is going to be

the case then I feel it has been prejudice to me all of these years. Ms. Workman stated I feel this is going to lower my property value because you have to have 2-acres around your dwelling and all of us down that street have land and we maintain it and all get along. She said but now I'm going to have to move and take a loss on my property. She said I am not against people developing their property but why aren't they held to the same rules and 2-acres that I was held to? She said I have a septic tank and if they are going to do sewer management then that will be extremely expensive for me. She said I am not a lawyer and I don't know all of the ramifications this will have on me. Ms. Workman said my taxes are high and I had to adhere to all of the rules. She said putting in all of those dwellings is not going to make more money or income for the city. She said you will need more fire and police and widen the roads which will bring pollution.

**2. Dean Collura, 3926 Foskett Road.** Mr. Collura said it's my understanding that the traffic from this development will be entering and existing on Sleepy Hollow and not Pearl Road, is that correct? Chair Murphy said the board has not received a concept plan, all we have is the request for rezoning. Ms. Rakoci said she doesn't know that now. Mr. Collura said depending on how many vehicles enter and exit on Sleepy Hollow, there may be a need for widening for a turning lane but my main concern is traffic coming from the west heading east that has to stop at that traffic light at Rt. 42. He said there is an 80-foot grade change in the length of this property. He said my concern in the winter time with more traffic and cars backed up on that hill having to start from a dead stop in the winter if that isn't salted constantly, I see it being a real problem and there is no easy way to turn around and go the other direction.

**3. Ron Backnick, 4505 Sunset Cove Drive, Brunswick Hills.** Mr. Backnick said has the same questions as others about the traffic, crime, and infrastructure required to absorb the added population and it doesn't sound like we are going to get any answers tonight. He said he and his wife have moved five different times over 27 years and we chose to move to Brunswick Hills Township a year ago. He said they left Twinsburg because of the growth and he has seen many towns become much more crowded and congested. He said we moved to the township because we thought we knew what the future held and he commended the Zoning Commission and the Land Use Plan that was developed a few years ago. He said it would be a shame to put that aside and do something else from what attracted us to this area. He said he would grant anyone the ability to develop and run a business but didn't think this particular location was right place for what they want to do. Mr. Backnick said our intent is to stay in this home through retirement and would hate to have these apartments back right up to the neighborhood we love.

**4. Jen Kendro, 4460 Sleepy Hollow Road, Brunswick Hills.** Ms. Kendro said my property is right next to this proposal and said the property does sit high and asked how that will affect her property when they start moving all of that earth and start building? She said we have a well and wondered if she would have to tie into the city, which she did not want to do. She said I've lived her 28 years and my dad built the house as his retirement home and I would like to keep it as it is because that is how it was when we moved out here.

**5. Larry Manning, 4431 Sleepy Hollow Road, Brunswick Hills.** Mr. Manning said I live directly across the street from this property. He asked the board if C-3 is commercial. The board said yes. He said down Pearl Road off of Sleepy Hollow Road that is commercial for what, 300 feet back? Mr. Humphrey said 800 feet. Mr. Manning said you can come down Pearl Road with commercial and that is 800 feet back but asked when they put the glass place in at the corner of Pearl and Sleepy Hollow, they only went back 300 feet because they said it wasn't allowed to go commercial. Mr. Manning asked if this housing is going to be Section 8 housing. He wondered how they thought they could tell someone who might be looking at their apartments that they can't have any kids there. He said we've got to be realistic about this and I know of at least five accidents that have happened there and the cars end up in my driveway because of the way that road is. Mr. Manning said that road cannot take more traffic and everyone goes down there now to take the shortcut without going through the city. Mr. Manning said Brunswick Hills is a township,



it's not a city and wants to keep it that way. He said I don't want these apartments or ranch homes across the street from my house. Mr. Manning said I wish we could have a map to see how they are rezoning this and how many homes are they putting in there. He asked if they are going to be postage-stamp and a foot apart from each other? Mr. Manning said we need to be more informed for the people that live in that area so we know what is really going on with this. He said he tried to get city water and was told Lorain ran out of water pressure. He said he went to the council meetings and asked to get water for the six homes on Sleepy Hollow Road and we could not. He said personally I don't think this is a good idea to rezone the property for this.

Chair Murphy addressed the members of the audience and held up a map showing them where it is already zoned C-3. She said the applicants are asking for an extension with the 230 feet and gave several copies of the map to the audience to look at [Exhibit 1].

**6. Dean Casapis, 11689 Weston Pt., Strongsville, OH 44149. Principal Owner of CMD Land Corporation (Corner of Pearl Road and Sleepy Hollow Road).** Mr. Casapis said I own the northwest corner of Pearl Road and Sleepy Hollow and said I have no problem with this. He said I do not know Mr. Shumay but have no problem with this request and I am actually for it because I think it will be a huge benefit to have the apartments. He said I sympathize with the people who are here but Mr. Shumay owns the land and has intentions for it.

Mr. Mougrabi referenced the map and said they are asking to extend the C-3 by moving the red line over 230 feet and that is the only decision we are looking at tonight. Chair Murphy said correct. Mrs. Murphy referenced the map and pointed to the parcel on the corner of Pearl and Sleepy Hollow Road for the audience. She said the portion in the black box is the entire parcel and said Pearl Road to the red line is already zoned C-3 so they could develop there. She said they are asking us to change from the red line to the blue line to C-3 from Rural Residential. Chair Murphy said it is 230 feet by 1,200 (6.34 acres) to the west.

**7. Ron Wetterman, 1085 Substation Road, Brunswick Hills.** Mr. Wetterman said one of their first comments they made for rezoning of the property was to enable them to maintain the pond. Mr. Wetterman asked why does the pond have to be rezoned, they can't build on it.

**8. Gregg Timura, 4937 Cabernet Drive, Brunswick Hills.** Mr. Timura said he's been in Brunswick since 1979, moved out for a brief period and moved back. He said I lived down along Sleepy Hollow closer to Marks Road so I'm familiar with the area. Mr. Timura said I understand the point of this meeting is to request the rezoning. He confirmed his agreement with the other testimony on having that number of residential units there and said there is a concern with the topography. He said you have a big wooded area with a lot of wildlife; you've got Sleepy Hollow which is not meant for a lot of traffic. He said it is not very wide and you've got deep ditches and no shoulders and I don't think it is going to handle a lot of that traffic. He wondered what kind of work and expense will be involved just to clear that land, put all of the utilities in and do it in an environmental way and asked where all of the wildlife is going to go. Mr. Timura said I've been educated tonight with regard to C-3 and the R-R and with the first lady that spoke regarding her zoning. Mr. Timura said rather than looking at changing the zoning from R-R to a C-3, why doesn't Brunswick Hills look at changing the C-3 to R-R and keep it all rural, which is what I think Brunswick Hills should be. He said they are not capable of doing what larger cities are able to do, in my opinion. Mr. Timura said with regard to Redwood, she couldn't identify how many homes would even be on this property. He said I think before I was to make any decision to change anything, whether it is right, wrong or doesn't make sense, tell me how many residential units are you going to put on those 6-acres; you should know that. He said how many residential units are you going to put there if you don't get the zoning. That's something you should come here prepared to know; I would think.

**9. Robert Murphy, 4041 Foskett Road.** Mr. Murphy said I want to address what is really going on here and that is the loss of R-R land. He said we are losing R-R land here at an immensely fast pace and I don't think we can afford to lose anymore. He said Mrs. Porter said something about the money or something so they can change it based on value. Mrs. Porter said according to our Zoning Resolution, that is not unreasonable zoning.

Chair Murphy said the one question in the application is #18 to get it rezoned says **"18. The existing zoning is unreasonable and deprives the property owner of his lawful and reasonable use of the land because: with 2 types of zoning, C-3 cannot be fully utilized resulting in less land value and request a zoning change via a map amendment by 6.5 acres to C-3, leaving 5.5 acres to RR as shown like adjacent parcels west."**

Chair Murphy said in the Zoning Resolution, Sec. 1103 (A,1) says: *For the purposes of this Zoning Resolution, a limitation upon the financial gain from the land in question shall not constitute unreasonable zoning.* Mr. Murphy said ok, it says right there that they can't use that and base their changing of the zoning to make more money.

**10. Denise Hippler, 2092 Josephine Blvd, Brunswick.** Ms. Hippler said I am not a Brunswick Hills resident but I am literally walking distance from Brunswick Hills. She said my parents bought the house in 1976 we've been here 43 years. She said we live in the flat ranch area that still has no sidewalks and it's beautiful. She said I don't live in a city; I live in a nice neighborhood. She said my neighborhood was terrorized by Arlington Estates for years. She said this is a true story and at one point the men came out of the house and took baseball bats to all of the cars coming up and down the road because they were going so fast, they almost hit some kids. She said I saw an accident on Rt. 42 and Sleepy Hollow and a woman died. She said that is a very, very dangerous intersection and you are going to take all these people to an intersection that we already know can't handle it and we are going to hold them hostage. I still hear the car wreck and we are going to do it again. She asked if anyone has taken a look down Pearl Road in Brunswick because it is a hot mess. She said welcome, you are inviting your own hot mess.

**11. Robert Swanson, 2263 Sunrise Oval, Brunswick Hills.** Mr. Swanson said I have all of the same concerns that everyone else is voicing. He said there is another concern and that is we've had issues back there in our development with stormwater runoff. He said if they develop this then everything that is coming down that hill westbound to us. He said at one point, you couldn't even get to where you live; we were cutoff and had cars floating in the street. They had to do a water rescue in our development. Mr. Swanson said I want to get in the record and have some kind of assurance if they come in there. What are they going to do with all of this water? He said we already have water issues and I spent \$60,000 on a law suit just to get my house fixed because it was unlivable at one point and it was a brand-new house. He wanted to know what we do about that and all of the other issues we have because if they are taking out all of the vegetation on the land that is naturally helping us with the water, what happens now? Mr. Swanson said they will take that whole land and it will be concrete and everything is coming down that hill westbound.

#### **Discussion by the Board**

Mrs. Porter said we don't know where the ingress and the egress will be or what road it will be on and said that is something we really ought to know. Chair Murphy said and we have to remember that if this is changed to C-3, it could be "any C-3", it's not just apartment buildings, housing, or whatever. It could be anything that is in the code for C-3 and any of the conditional uses. Mrs. Wetterman said that means they could put a water tower there, storage sheds, etc. Mr. Mougrabi said so the first process for this is for the owner of the property to extend it by the 6.5 acres and that's all we know, correct? Mrs. Murphy said correct and this is just to rezone the property, any development would come at a later process. Mr. Mougrabi said and then it will come back before us. Mrs. Murphy said if it comes before us because some

C-3 uses don't have to come before us or the Board of Zoning Appeals. Mrs. Murphy said in C-3 there are 17 permitted uses and 11 conditionally permitted uses. Mr. Mougrabi asked how long the property has been sitting empty in Brunswick Hills. Mr. Norton and several others said a long time. Mrs. Porter said what they want to do is a conditional use so it would have to go before the Board of Zoning Appeals. Mrs. Murphy referenced some of the permitted uses which includes hotels and motels. Mr. Mougrabi this is what they want it converted to (apartments) as a possibility. Chair Murphy stated the acreage they are asking for rezoning because the parcel on Pearl Road is already zoned for C-3 so it would be the other parcel that has frontage on Sleepy Hollow Road for 230 feet (6.34 acres). Mrs. Porter said there is already 800 feet that is zoned for C-3. Chair Murphy asked Mr. Humphrey, Assistant Zoning Inspector, if he had any comments. Mr. Humphrey said you are just voting on the extension for rezoning.

Mrs. Porter said there are a lot of unknown factors, especially with the ingress and egress and the questions with how many units are planned for this. She said once it is rezoned, the ingress and egress can be anywhere. She said that would be nice to know where that is going to be just because of the problems with Sleepy Hollow traffic that exist already. Chair Murphy said that could change because they can buy the property and the turn around and sell it to someone else.

**12. Velvet Workman, 2231 Pearl Road, Brunswick Hills returned to the podium.** Ms. Workman said I live directly across the street from the property and there are a lot of accidents in front of my house. She said people don't slow down. She said I can't tell you how many people have pulled into my yard and damaged my yard and trees to avoid accidents. Ms. Workman said I just don't think that road can handle any more traffic. She said you are talking about the entrances and exits and I can't even get out of my property now. She said it is not just Sleepy Hollow that is dangerous and the roads can't take more at that intersection.

Chair Murphy made a comment on the application submitted and said on the last page there was a letter submitted by Mr. Shumay and referenced question **#21 on the application: "How will the proposed rezoning of the property benefit the community? (See attached.)"** Chair Murphy said and in there the applicant talks about *the existing pond possibly being owned by three different entities that would create problematic maintenance issues and responsibility in the future. With the map amendment change, the pond would be all inclusive in the C-3 with one ownership with complete responsibility for the maintenance of the pond.* Chair Murphy stated that she agrees that this might be a little better if it just included that pond portion rather than that whole parcel, as was mentioned earlier by Mrs. Wetterman, and said maybe that can be a modification. Mrs. Wetterman said it would help eliminate some of the traffic. Mrs. Porter stated she believes that would be a good modification to make because I can see the point on having the pond under one ownership. Mrs. Porter said and possibly that might eliminate much of the runoff. She said several residents were concerned about the stormwater runoff and this could be an area that could absorb a lot more of that runoff. Mrs. Porter said I believe though that the applicant did state when they were asked by Mrs. Wetterman to do that, they said they would not be interested in that, is that correct? Ms. Pat Rakoci (applicant) responded and said she is not interested in doing that at this time.

Chair Murphy said the question is what would the plan be then. Mr. Mougrabi said we don't know; it would be a guess. Mrs. Wetterman said my question is if we approve the C-3 to go through, what's to keep the owner from saying I don't want to sell it to you, I want to sell it to commercial. We have no guarantee on this. She said that area could be zoned for drive-in establishments, etc. and that corner is not a good corner. Mr. Norton said anything that we approve is definitely not going to stop the water for these people back here (west) if it stays the way it is or if we approve it. He said that is something that should have been looked at way before it got to us. Mrs. Wetterman noted that is a very steep hill going down that property. Mrs. Porter and Mrs. Wetterman referred to the map and said once you start moving that dirt in there it is going to affect the people down from that parcel. Chair Murphy said I believe that the third portion of the parcel they (applicant) said they were going to leave that as it is for a buffer for

the neighbors. Mrs. Porter said we have not idea what their plans are for this, whether they are planning on building around the lake or what, which could be moving a lot of soil around there. Mrs. Porter said the current C-3 can be developed, we know that, but this portion could not be developed at a high density which would alleviate at least some runoff if you just left it the way it is without rezoning.

Chair Murphy asked the board if the board was ready to move forward with a motion or if they need more time to consider it. Mr. Norton stated I would like to have more time to consider it. Other board members agreed.

**Motion to Continue the Public Hearing for Redwood Apartment Neighborhoods Rezoning Request**

**Motion:** Mr. Norton made a motion to have more time to overlook to this change request and move this to the next meeting on March 5, 2020 at 7 p.m. **Discussion on the motion:** Mrs. Wetterman said maybe they can come in with more information and have the property owner here. Chair Murphy said and have the property owner information and application notarized. Mr. Norton said it would be nice to have the owner here and said he is the one who should be requesting the change, not Redwood Apartments as far as I can see. Mrs. Porter said maybe they can come back and give us some idea what their plans are for the property. Chair Murphy stated we have a motion on the floor to continue the public hearing to next month, March 5, 2020 at 7 p.m. Mrs. Wetterman seconds. **Additional Discussion on the motion:** Mr. Mougrabi confirmed this is just to consider the rezoning. **Roll Call:** Mrs. Wetterman-yes; Mr. Norton-yes; Mr. Mougrabi-yes; Mrs. Porter-yes; Mrs. Murphy-yes. **Motion carries to continue the public hearing to March 5, 2020 at 7 p.m.**

Secretary Milanko announced to the audience members that this hearing does not have to be re-advertised when it is continued, so please make a note of the continued date and time. She said we will put it on the township website calendar. Chair Murphy confirmed at stated it will be the first item of business on the agenda for next month.

**Motion to Adjourn the Public Hearing**

**Motion:** Mrs. Wetterman made a motion to adjourn the public hearing meeting. Mrs. Porter seconds. **Roll Call:** Mr. Mougrabi-yes; Mr. Norton-yes; Mrs. Wetterman-yes; Mrs. Porter-yes; Mrs. Murphy-yes.

Meeting officially adjourned at 8:33 p.m.

Respectfully Submitted,  
Mary Jean Milanko, Zoning Secretary

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Trica Murphy, Chair

Date