

**Brunswick Hills Township
Board of Zoning Appeals
Regular Meeting Minutes
February 5, 2020**

Open Regular Meeting

Chair Kersten called the Brunswick Hills Township Board of Zoning Appeals Public Hearing meeting to order at 7:07 p.m. A roll call of the board was executed.

- **Board Members in Attendance:** Cliff Kersten, Chris Schigel, Kimberley Hall
- **Alternate Board Members in Attendance:** Daryl Lucien, Robert Murphy
- **Board Members not in Attendance:** Jesse Murphy
- **Others in Attendance:** Mary Jean Milanko, Secretary

Chair Kersten stated this meeting has been properly advertised and is being taped for the record. The Brunswick Hills Township Board of Zoning Appeals acts within the regulations of Sec. 519 of the Ohio Revised Code.

APPROVE MINUTES

1. Approval of the January 8, 2020 Organizational Meeting Minutes

Motion: Mr. Schigel made a motion to accept the January 8, 2020 Organizational Meeting Minutes as written by the Secretary. Mr. Lucien seconds. **Roll Call:** Mr. Lucien-yes; Mr. Murphy-yes; Ms. Hall-abstain; Mr. Schigel-yes; Mr. Kersten-yes.

2. Approval of the January 8, 2020 Public Hearing Meeting Minutes

Motion: Mr. Schigel made a motion to accept the minutes as submitted by the Secretary. Mr. Murphy seconds. **Roll Call:** Mr. Schigel-yes; Ms. Hall-abstain; Mr. Murphy-yes; Mr. Lucien-yes; Mr. Kersten-yes.

NEW BUSINESS:

1. **Sign Decision Letter for Area Variance by Jim Buzinski, 3132 McCracken Trail, Brunswick Hills, OH** for construction of a third car garage for a five (5) foot setback from the side yard lot line as opposed to 10 feet per Sec. 403-4 (C) Yard Requirements of the Brunswick Hills Township Zoning Resolution. PP#001-02D-13-059; Zoning District: R-1 Residential.

Chair Kersten asked for edits or changes to the decision letter. Being none, he called for a motion to accept the decision letter for 3132 McCracken Trail. **Motion:** Mr. Murphy made a motion to accept the letter from the Secretary. Mr. Schigel seconds. **Roll Call:** Mr. Lucien-yes; Mr. Murphy-yes; Ms. Hall-abstain; Mr. Schigel-yes; Mr. Kersten-yes. Motion carries to approve the decision letter.

ADDITIONAL BUSINESS:

1. Secretary Milanko stated there were no applications submitted for the BZA for March.
2. Secretary Milanko recapped the email from the Prosecutor's Office. She said Trustee Kusnerak contacted Brian Richter following our last BZA meeting for clarification on when the appeal process begins. Per the Prosecutor, the thirty days would start after the minutes are approved which is probably the same time as the decision letter. We use that date because the hearing would be final at that time. Not that it

usually happens but the BZA can change its decision up until the minutes are signed. The Prosecutor does not look at it as 60 days for an appeal since the decision is not final until the minutes are signed. The BZA also does not have to wait 30 days to approve minutes and send out a letter.

Ms. Hall asked if the board has to wait 30 days to approve the minutes? Mr. Lucien stated that flies in the face of every decision that was made last year about meeting off the dais and having a consult about the situation; or meeting outside of this room in between sessions. He said it sounds good, but it conflicts with the decisions the previous two years since I've served on the board. Secretary Milanko stated she did not think that we are changing the way we make decisions. Mr. Lucien agreed but that opens the door to changing it after the decision was made and said I don't know how you would do that. Mr. Schigel said we can call an emergency meeting. Mr. Murphy said we've always done the decision letter after we approve the minutes. Mr. Kersten said we've never changed our procedure in the 12 years I've been on the board. He said the only reason why he asked Trustee Kusnerak to get a clarification on it from the Prosecutor is because one of the applicants asked me about it. Mr. Lucien said the applicant wanted to know when the clock starts ticking and when it ends is a moot point because that is in the law. Mr. Schigel said an applicant basically cannot start any work until 30 days after the minutes are approved. Mr. Lucien said there could be a counter claim. Mr. Kersten said he could start the work, but if there is a claim and he loses then he has to put everything back the way it was.

PUBLIC COMMENT: None

ANNOUNCEMENT OF NEXT MEETING DATE: Wednesday March 4, 2020 (Cancelled- no formal business requests) Vice Chair Schigel asked if the board wants to suspend the March meeting. Chair Kersten called for a motion.

Motion to Cancel the March 4, 2020 Meeting: **Motion:** Mr. Lucien made a motion to suspend (cancel) the March 4, 2020 meeting. Mr. Murphy seconds. **Roll Call:** Mr. Lucien-yes; Mr. Murphy-yes; Ms. Hall-yes; Mr. Schigel-yes; Mr. Kersten-yes. Motion carries to cancel the March 4, 2020 meeting.

MOTION TO ADJOURN

Motion: Mr. Schigel made a motion to adjourn. Ms. Hall seconds. **Roll Call:** All in favor. Meeting officially adjourned at 7:17 p.m.

Respectfully Submitted,
Mary Jean Milanko, Zoning Secretary

Cliff Kersten, Chair

Date