

**Brunswick Hills Township Board of Zoning Appeals Public Hearing Meeting Minutes – June 3, 2020  
(Diamond Event Center, 1480 Pearl Road)**

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**Brunswick Hills Township  
Board of Zoning Appeals  
Public Hearing Minutes  
June 3, 2020**

**Covid Meeting Location: Diamond Event Center, 1480 Pearl Road Brunswick**

**Open Regular Meeting**

Chair Kersten called the Brunswick Hills Township Board of Zoning Appeals Public Hearing meeting to order at 7:00 p.m. A roll call of the board was executed.

- **Board Members in Attendance:** Cliff Kersten, Chris Schigel, Kimberley Hall, Robert Murphy
- **Alternate Board Members in Attendance:** Ron Wetterman
- **Board Members not in Attendance:** Daryl Lucien, Alternate
- **Others in Attendance:** Evelyn Czyz, Zoning Inspector, Wes Humphrey, Assistant Zoning Inspector, Trustee Christina Kusnerak, Zoning Liaison, Anthony Strazzo, Fire Chief, Mary Jean Milanko, Secretary

Chair Kersten stated a quorum is present. 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 February 5, 2020 Regular Meeting Minutes**

**MOTION:** Ms. Hall made a motion to approve the minutes as written. Vice Chair Schigel seconds the motion. **Roll Call:** Mr. Murphy-yes; Mr. Wetterman-abstain; Ms. Hall-yes; Mr. Schigel-yes; Mr. Kersten-yes. Motion carries to approve the minutes.

**NEW BUSINESS: Public Hearing**

Chair Kersten swore in Evelyn Czyz, Zoning Inspector and Anthony Strazzo, Fire Chief.

- (1.) Conditional Zoning Certificate request by Andrew Schmieder, 33823 Neff Road, Medina, OH 44256,** to build a 40x100 (max) auto repair shop on Parcel #001-02A-22-106 (Township Tract No.1, Lot No. 10, Brunswick Hills vacant lot on Marks Road) per C-1 Local Commercial District, Sec. 407-2B #8, Subject to Subsection 804-15. Current Zoning District: C-1.

**TESTIMONY & EVIDENCE**

**Andrew Schmieder (applicant) 33823 Neff Road, Medina, OH 44256 was sworn in.** Mr. Schmieder stated he purchased the property on Marks Road, it doesn't have a formal address and read the Parcel #001-02A-22-106. Mr. Schmieder said he is looking to move an auto repair business to this location and stated he currently has a small repair shop in Brunswick City that he would like to move to Marks Road. Mr. Schmieder stated the building will be 40 x 100 feet (100 ft on the frontage of the property and 40 ft in the back). Mr. Schmieder referred to the site plan map in the application and said that explains everything I would like to do. He said it will be a pole building with metal siding and roof and will consist of garage doors and man doors and the property is in a C-1 Local Commercial District.

Mr. Schmieder referred to the Zoning Resolution Section 407-2, A and listed the Permitted Uses in C-1 Local Commercial District:

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A. Permitted Uses

1. Barber and beauty shop.
2. Drug store.
3. Florist and gift shop.
4. Grocery store not exceeding fifteen thousand (15,000) square feet of total floor area.
5. Preparation and processing of food and drink to be retailed on premises including bakery, delicatessen, meat market, confectionery, restaurant, ice cream parlor, soda fountain.
6. Shoe repair store.
7. Tailor and dressmaker.
8. Medical and dental clinics.
9. Office buildings.
10. Accessory uses clearly incidental to the uses permitted on the same premises.
11. Signs - As regulated by Article V hereof.
12. Parking and Loading - As regulated by Article VI hereof.

Mr. Schmieder read Section 407-2, B, Conditionally Permitted Uses and said I won't read them all, but referred to #8 and said that is the category I fall in.

8. Sale, repair, and/or storage of automobiles, trucks, trailers, boats, and/or farm implements subject to Subsection 804-15.

Mr. Schmieder referred the board to Subsection 804-15 and stated he addressed these items in his application.

Sec. 804-15 Sale, Repair, And Storage Of Automobiles, Trucks, Trailers, Boats, And Farm Implements

1. All structures and activity areas, except open parking areas, shall be located at least fifty (50) feet from any property boundary line when adjacent to a residential district and on the side adjacent to the residential district only.
2. Shall be located on Major Thoroughfares and entrances or exits shall be located no closer than two hundred (200) feet from the intersection of two (2) Major Thoroughfares; or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector street.
3. No loud speakers and/or amplifiers shall be used before 11 a.m. and after 10 p.m. local time.
4. Employee vehicles and vehicles awaiting servicing or return to customers following servicing shall be parking in areas indicated for such parking on the approved site plan. Such parking areas shall not be closer than fifty (50) feet to any street right-of-way line.
5. Truck parking areas, maneuvering lanes, and access ways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site.
6. New and used boat sales and service facilities shall conform to all setback requirements of the district in which they are permitted.
7. Not more than eighty (80) square feet of ground area may be used for the outdoor storage of discarded materials, parts, scrap and other waste prior to their

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collection and subsequent disposal. Such storage areas shall be completely obscured from view from any point off the site by a wall not less than five (5) feet in height. Such storage area shall not be located between the principal building and any street right-of-way line.

Mr. Schmieder stated the property to the left and right of me are C-1 Local Commercial. The only Residential District property is behind where I intend to put my auto repair shop and stated it is far greater than the 50 feet adjacent to the Residential District and that would be behind me. He stated there is a Conservation Easement located behind the property and stated you cannot cross over that conservation easement. It is recorded at the Medina County Recorder Office (a 17-page report) explaining what you can and cannot do on that property according to the Conservation Easement. Mr. Schmieder said there are 2.8 acres on the property and I am looking to use basically 1.4 acres. He said anybody in the residential district should have no concerns because you can't build a driveway over it or cut down any trees in the conservation easement. He said it will make a nice barrier to the back residential area.

Mr. Schmieder referred back to the Conditionally Permitted Uses and Sec. 804-15 and said that might be a concern.

Sec. 804-15     Sale, Repair, And Storage Of Automobiles, Trucks, Trailers, Boats, And Farm Implements

1. All structures and activity areas, except open parking areas, shall be located at least fifty (50) feet from any property boundary line when adjacent to a residential district and on the side adjacent to the residential district only.

Mr. Schmieder said the property area only has one residential district behind the building, as outlined, which is roughly 350 feet from the boundary line. The parking area will be at least fifty (50) feet from the street right-of-way area as outlined in the picture. He said I have no intent to interfere with public streets or traffic.

2. Shall be located on Major Thoroughfares and entrances or exits shall be located no closer than two hundred (200) feet from the intersection of two (2) Major Thoroughfares; or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector street.

Mr. Schmieder said the property is not located near any major thoroughfares.

3. No loud speakers and/or amplifiers shall be used before 11 a.m. and after 10 p.m. local time.
4. Employee vehicles and vehicles awaiting servicing or return to customers following servicing shall be parking in areas indicated for such parking on the approved site plan. Such parking areas shall not be closer than fifty (50) feet to any street right-of-way line.
5. Truck parking areas, maneuvering lanes, and access ways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site.
6. New and used boat sales and service facilities shall conform to all setback requirements of the district in which they are permitted.

Mr. Schmieder said I have no interest in servicing or selling boats.

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7. Not more than eighty (80) square feet of ground area may be used for the outdoor storage of discarded materials, parts, scrap and other waste prior to their collection and subsequent disposal. Such storage areas shall be completely obscured from view from any point off the site by a wall not less than five (5) feet in height. Such storage area shall not be located between the principal building and any street right-of-way line.

Mr. Schmieder said the scrap metal will be put it in a fenced-in 20 x 20 area or keep it inside.

Mr. Schmieder said I noted on the application that I do have a U-Haul business at our location in Brunswick that I intend to take to Marks Road. We have a couple of small trucks, a couple of cargo trucks and trailers that we rent out to people. He said at the end of the day, I can see anyone's intent of not allowing a repair business in this area, but if you travel down Marks Road you see other repair shops that are kind of in disarray. They have abandoned cars all over the place and cars in the front and in the back.

Mr. Schmieder said if you went by my business, you would see that it is clean and there are one or two cars there. He said they are not abandoned cars and I don't have metal laying all around the place. He said I do that for the respect of other people around me. He said I live in a rural area in Medina and actually live next-door to a body shop in the middle of the country. I thought when I bought the property four years ago this might not be a good idea. He said I came to realize that living next to a body shop really isn't that bad. He said they are gone by 5 p.m., you don't hear any noises and they are not there on Saturdays past 1 p.m. and they keep the area nice.

**QUESTIONS BY THE BOARD**

Ms. Hall asked about disposal of waste items and how he planned on handling that. Mr. Schigel also asked about storage of these items. Mr. Schmieder said do you mean oil, etc.? Ms. Hal said everything, radiator, etc. Mr. Schmieder said similar to the location we have now, we have a 100-gallon drum that is fenced in and a company comes out and sucks it all out and they take it away to be processed. He said that is the tradition of any auto repair business that is in operation. He said if we need to store the drum inside, we can do that. He said the antifreeze is separated in a 50-gallon drum and is pumped out after three to four months. Mr. Murphy asked if the metal will be in a fenced-in enclosure. Mr. Schmieder said yes.

Mr. Schmieder said after reading the Brunswick Hills Township Resolution they are looking for some kind of process within a year, is that correct? Ms. Hall said no. She asked, are you talking about certain conditions where we might ask you to come back to renew? Mr. Schmieder said yes and said I am a little nervous about this Covid-19 and everyone's life financially and I would like to extend that year process. He said I am not in any immediate rush as things got delayed. Ms. Hall asked when he was planning on getting ready to open. Mr. Schmieder said I have no expected start date, especially after the delay of a couple of months to have this meeting. He said the purchase originally was through the agreement that I could get approval from Brunswick Hills Township to do what I want. He said so I was on the fence since we were supposed to have a meeting April 1<sup>st</sup> and my hands were tied. He said I had to make a decision and finances were tight. He said I made the move and said this is what we are going to do. I made the purchase on the intent of getting approval. He said I do not have an expected date. He said this is a big step for me and I think Evelyn (Zoning Inspector) would I agree I did as much homework as I could in this situation.

Mr. Kersten asked about the U-Haul rental business for the public and asked how many vehicles he was planning on having on the site? Mr. Schmieder said we currently have two cargo vans, one 15-ft. launch truck and one 5 x 8 trailer. He said I can't say we would have six vehicles there all the time because

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sometimes someone drops something off and it might sit there till it gets rented again. Mr. Kersten questioned whether he was running two businesses. Mr. Schmieder said it is stated in my application that the U-Hall rental will be under the same business.

Vice Chair Schigel referred to the Conditionally Permitted Uses for C-1 407-2 (B.) (4) and 804-14.

Sec. 407-2 (B) (4) Automobile Service Station/Automobile Repair Shop subject to Subsection 804-14.

Sec. 804-14 Automobile Service Stations and Automobile Repair Shops

9. Where the rental of utility trailers and trucks is permitted as an accessory use, the following criteria shall be met:

- a. storage areas for rental trailers and trucks shall conform to all building setback lines;
- b. storage areas shall be screened from any abutting land zoned for residential purposes by fencing and/or landscaping considered by the Board of Appeals to constitute an effective visual screen;
- c. storage areas shall be clearly separated from and shall not interfere with areas approved on the Site Plan for vehicular circulation, automobile servicing, and vehicular parking areas necessary and incidental to the primary purpose of the gasoline service station operation;
- d. storage areas shall be permitted only on paved portions of the site.

Mr. Schigel said under where the rental of utility trailers and trucks are permitted as an accessory use, one of the requirements says storage areas must conform to all setback lines; storage areas shall be screened from abutting land zoned for residential purposes. He asked the applicant what his plan would be if we get residential on both sides, how would you obscure the vehicles or rentals from residences? Mr. Schmieder asked if he means to the north and south of the property? Mr. Schigel said land zoned for residential purposes. Mr. Schmieder said the only land that is zoned residential is to the east of the property. He referred to the map of the building plans, the vehicles would be east, behind the building, and with the 350 feet conservation easement setback from the residential area it has a stream and is so dense with trees you can't even walk through it. Mr. Schmieder said that is where the vehicles would be and it is heavily screened. Mr. Schmieder said there is not a 100% guarantee that he will bring the U-Haul business with him there but he put it in because that is what he does right now. Mr. Schigel said just so you are aware, storage areas for U-Hauls, etc. has to be on paved portions of the site. Ms. Czyz said if you look on the map that was submitted, where he is putting the building to the back property line there is 350 feet so he covers it more than generously: 50 feet to the southern border; 35 feet to the northern border; 85+feet to the western border so all of those distances are covered.

Mr. Wetterman asked in the event the road would be widened, did the applicant have any wiggle room to move the parking back a bit. Mr. Schmieder said I do and I think I'm over extended on the parking by 50-75 feet. He said yes, the parking is further back as that is something he took into consideration.

**PUBLIC COMMENT: NONE**

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**MOTION TO APPROVE CONDITIONAL ZONING CERTIFICATE**

**MOTION:** Vice Chair Schigel made a motion to approve the Conditional Zoning Certificate request for the auto repair shop by Andrew Schmieder for Parcel Number: 001-02A-22-106. Mr. Wetterman seconds the motion. **Roll Call:** Mr. Murphy-yes; Mr. Wetterman-yes; Ms. Hall-yes; Mr. Schigel-yes; Mr. Kersten-yes. Motion carries to approve the Conditional Zoning Certificate Request.

Chair Kersten stated a decision letter will be signed in 30 days (Wednesday, July 1<sup>st</sup>). Chair Kersten stated anyone who is adversely affected by the decision of the BZA can appeal the decision to the Medina County Court of Common Pleas.

Mr. Schmieder asked if he has a time limit on this because he is not in a rush. Ms. Hall said no, you don't have anything that you would have to come back to us for.

**ADDITIONAL BUSINESS: NONE**

**ANNOUNCEMENT OF NEXT MEETING DATES:**

1. **Wednesday, June 17, 2020 @ 7 p.m.** (Diamond Event Center):
  - a. Conditional Zoning request for 2214 Substation Road to hold special events.
  - b. Variance Request for a new home at 5167 Sleepy Hollow Road
  
2. **Thursday, June 18, 2020 @ 7 p.m.** (Diamond Event Center)
  - a. Variance Request by Marblewood Homes (Cekada Property) for 5182-5200 Center Road for single family residential condominiums

**MOTION TO ADJOURN**

**Motion:** Mr. Murphy made a motion to adjourn. Mr. Wetterman seconds. **Roll Call:** All in favor. Meeting officially adjourned at 7:38 p.m.

Respectfully Submitted,  
Mary Jean Milanko, Zoning Secretary

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Cliff Kersten, Chair

Date