

BRUNSWICK HILLS TOWNSHIP BOARD OF ZONING APPEALS PUBLIC HEARING MEETING MINUTES
JUNE 17, 2020

Brunswick Hills Township
Board of Zoning Appeals
Public Hearing Minutes
June 17, 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 7:02 p.m. A roll call of the board was executed.

- **Board Members in Attendance:** Cliff Kersten, Chris Schigel, Robert Murphy
- **Alternate Board Members in Attendance:** Daryl Lucien, Ron Wetterman
- **Board Members not in Attendance:** Kimberley Hall
- **Others in Attendance:** Evelyn Czyz, Zoning Inspector, Trustee Christina Kusnerak, Zoning Liaison, Anthony Strazzo, Fire Chief, Matt Payne, Fire Prevention Officer, 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.

NEW BUSINESS – PUBLIC HEARING

Testimony & Evidence

Chair Kersten swore in Evelyn Czyz, Zoning Inspector, Chief Strazzo and Fire Prevention Officer Payne.

(Case# 1.) Conditional Zoning Certificate request by Kevin and Tonya Aine, 2214 Substation Road, Brunswick Hills, Ohio 44212 to conduct special events periodically on their residential property located at 2214 Substation Road, per Rural Residential District, Sec. 402-B #8; subject to Subsection 804-1. Parcel #001-02C-16-014. Current Zoning District: RR Rural Residential.

Kevin Butler, Attorney with McDonald Hopkins, LLC, 600 Superior Avenue, East, Suite 2100, Cleveland, OH 44114 was sworn in. Mr. Butler stated he was representing the applicants, Kevin and Tonya Aine.

Mr. Butler stated this is not the first time I've appeared before a Board of Zoning Appeals as I spend most of my time representing municipalities, so I understand the kinds of difficult decisions you have to make on a regular basis. Mr. Butler stated appreciation for having this meeting in person during the pandemic as it has been difficult and a long time coming.

Mr. Butler stated I know you have our written materials (application request) and you have written materials from Fire Chief Strazzo. Mr. Butler said if there are additional materials that were submitted with regard to this application, I would love to see them and address them. He said what we are aiming to do tonight is to appeal to the board for an understanding that this kind of use that is very limited, occasional, outdoor tent events are appropriate for this particular district within the township. What we are hoping to avoid tonight are any technical arguments over the fire safety codes and administrative codes cited by Fire Chief Strazzo, which we very much appreciate and we are not attempting to avoid those discussions. He said we just don't know if those discussions are appropriate for tonight.

Mr. Butler said we've made our argument in the material and we think the conditional use standards, both the general standards in your zoning ordinance and the specific standards in your zoning ordinance with special events, can very easily be met. Mr. Butler said we know there are some other code issues, for example the administrative code sections that the Chief cites that have to be addressed; and there

**BRUNSWICK HILLS TOWNSHIP BOARD OF ZONING APPEALS PUBLIC HEARING MEETING MINUTES
JUNE 17, 2020**

may be other code sections that need to be addressed ultimately before these types of events can occur. Mr. Butler said what we are trying to do is to see if the board is in agreement tonight that the general standards and the specific standards for special event, conditional zoning certificates for this kind of use is acceptable to this township, to this board, in this district.

Mr. Butler said this is a 4.2 acre property that is beautifully maintained and landscaped. He said it sort of lends itself to a 2.0 acre open area for an ideal, country wedding. He said we have this idea that it can be used for that purpose without creating an additional concern from a zoning standpoint to the residents around there and to the officials who are obligated to protect the township. Mr. Butler said we do have some additional material that we would like to offer tonight. One is in the form of signatures from neighbors to Kevin and Tonya who agree this is an acceptable use and are adjacent to and closest to the Aines. Mr. Butler asked the Chair if he can submit the document. Chair Kersten stated if the individuals are not present, the board cannot cross examine a letter, so if you want to present them, I have the option of accepting them or not accepting them. Chair Kersten said I will accept them but if the board members don't want to look at them, they don't have to because we cannot cross examine a letter.

Mr. Butler stated I won't argue with you on that point, Mr. Chair. He said one of the conditions that the board has to consider is whether the use is harmonious and acceptable within the immediate vicinity and we just thought this would be good evidence for that. Mr. Butler said the main item that we propose to submit is Kevin Aine's diagram (Exhibit 1-Aine). He said we did do a site plan evaluation when we tendered the letter, but he updated that just to show where the tent might go and that sort of thing. He said it shows parking, fire apparatus's and those type of things we wanted to address. He put a lot of time into addressing some of the concerns he thought you may want to see from when the Chief was initially on the property. Mr. Butler received permission from Chair Kersten to submit the documents to the Secretary. Secretary Milanko also noted to Mr. Butler that if any of the residents who signed the letter are present, they have the opportunity to speak under public comment. Mr. Butler stated we don't think they are here. Chair Kersten asked if there were any board members who wanted a copy of the sign letter submitted; board members declined. Mr. Butler asked if Mr. Kevin Aine, the property owner, can also address the board.

Kevin Aine (Applicant), 2214 Substation Road, Brunswick Hills, OH 44212 was sworn in. Mr. Aine said we moved in during the middle of June last year and it is a beautiful property that has been there for a long time. He said the previous owner was Rebecca Stephenson and she was a minister in Strongsville and she had on occasion had weddings on the property. Mr. Aine said it wasn't anything where she was profiting commercially or anything like that, but when we moved into the property there was considerable interest in resuming that type of venue if we could get it approved. Mr. Aine stated so we came to the township to see if we can get approval to use it. Mr. Aine said she (Rebecca Stephenson) had spent a considerable amount of money back into the property and hired a landscaper from Strongsville to dress it up for this type of event and church outings, etc. Mr. Aine said in doing that, instead of a parking lot, they used special stone and other things that would safely accommodate people on the property. Mr. Aine said we just want to try to continue what had been done in the past. He said it is a beautiful property and we've received lots of interest from wedding planners interested in having venues there.

QUESTIONS BY THE BOARD

Mr. Murphy stated where you want to do this, you have to be 200 feet from all buildings. Mr. Murphy read Sec. 804-1 (2) Special Events:

Sec. 804-1 Special Events

**BRUNSWICK HILLS TOWNSHIP BOARD OF ZONING APPEALS PUBLIC HEARING MEETING MINUTES
JUNE 17, 2020**

2. All operations are conducted at least two hundred (200) feet from all buildings.

Mr. Murphy said I see you want to use your open field for event use and you have a building there so you can't be using that. He said what you have on your map shows 317 feet from the garage / driveway to the end of the property and that only leaves you 117 feet, so all things that you are doing has to be on that 117 feet. Mr. Kevin Butler stated I think there is a little ambiguity in that particular section of the code. He stated it says all operations for a special event must occur at least two hundred (200) feet from any building.

Mr. Butler said one of the conditional uses in a Rural Residential area is that other special events would involve some structures, so we are not even certain how you would achieve the objectives of that particular code section if you have to construct a structure that operates as one. He said but at any event, we do think we can meet that particular code section if "operations" means tent. Mr. Butler said we just don't know precisely what the word operations means, we'll have to work with the township on that, we recognize that, but we think we could put a tent farther than 200 feet from, for example, the garage in your reference and still maintain respect. He said we believe we can meet the requirement of that particular code section, but we are still a little foggy on what it means because we don't know what an operation is. Mr. Butler said we are not going to split hairs, but I think we need some additional guidance on that.

Mr. Murphy stated even if you go on under Special Events, a special event is not something that happens every weekend. He said a special event is a wedding you're doing for your daughter or son, it's not something you do a lot; it's a special event. He said you're asking for something that you are going to do a lot; more that two times a month, or four or five times a year. Mr. Butler said we don't know that yet. Mr. Murphy said that is what you are asking for. Mr. Butler said we are asking for a Conditional Use. Mr. Murphy said a Conditional Use you only get to use it two times a year, are you fine with that? Mr. Butler said I will say there is a provision in your code that says a special event can't last longer than seven (7) days in a month. Chair Kersten asked the Zoning Inspector to comment. Mr. Murphy asked if she could give us the definition of Special Events. Ms. Czyz stated I don't have the definition in front of me, but Special Events 804-1 is on page 96 of your book. Secretary Milanko noted the Brunswick Hills Township Zoning Resolution has a definition for Special Events on page 14:

Special Events: Circuses, festivals, concerts, carnivals, or any similar amusement or entertainment operation of limited or temporary duration.

Mr. Butler said to address the board member's concern, there is a provision in the Special Event restrictions that says that special events can't occur longer than seven days in any month. Mr. Butler said so these would be one day events, we don't know how frequent they would be. Mr. Murphy said so if we say you can have four events a year are you fine with that? Mr. Butler said I wouldn't be able to answer that on behalf of my client. Mr. Murphy said I'll ask one more question and then pass it to the rest of the board, are you running this as a business? Is this going to be Commercial? Mr. Aine said it would be for profit. Mr. Murphy said thank you.

Chair Kersten said you are testifying that it would be a business. Mr. Butler said Mr. Chair it would be a non-permitted residential use. He said would the income be taxable as business or self-employment income – yes it would. Mr. Butler said the reason we are before you is because your zoning code allows for conditional uses. He said for example, in Rural Residential Zones: Golf courses, commercial swimming pools, other businesses. He said currently it would not be a non-profit enterprise, it would be a for profit enterprise. Mr. Murphy said I think you are losing the whole idea between the rural atmosphere and the thing that they want to have. He said to me if there is a farmer with a barn, they

BRUNSWICK HILLS TOWNSHIP BOARD OF ZONING APPEALS PUBLIC HEARING MEETING MINUTES
JUNE 17, 2020

may have something once a year. Mr. Butler said in the Rural Residential District there is evidence of other on-going, continued, commercial operations. He said just down the street is the trailer park, Willow Lake vacation setting and that's not a non-profit enterprise. He said it is an on-going, commercial, everyday or seasonal business. Mr. Wetterman stated he would like to comment on that and said Willow Lake has been in that position since before Brunswick Hills Township was even formed or had any kind of zoning restrictions. Mr. Wetterman asked Mr. Butler to take that one off the table. Mr. Butler said I'm not arguing with you at all I am merely trying to indicate the use down the street is of more intensity in the same zone and we think.... Mr. Wetterman cut in and said again, the zoning restrictions do not apply to them because they were there before zoning was even put on the books. Mr. Butler said we understand.

Mr. Wetterman said he has another question and said you are talking about parking available for events and I want to bring up Sec. 601 Parking And Loading Requirements:

Sec. 601-1 Minimum Number of Off-Street Parking Spaces Required in All Districts

The parking spaces for uses listed below shall be required of uses wherever such use is permitted by the respective district regulations. The inclusion of a use below shall not be construed as permitting that use except when that use is specifically permitted by the applicable district regulations

Mr. Wetterman then read **Sec. 601-2 (B) General Regulations**

- B. Parking Space - Off-street accessory parking areas shall provide parking spaces, each of which shall be not less than two hundred (200) square feet in area exclusive of access drives or aisles. Driveways serving individual parking spaces shall be not less than twenty-four (24) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, seventeen and one-half (17½) feet for sixty (60) degree parking, and thirteen (13) feet for forty-five (45) degree parking. All parking areas with a capacity over twelve (12) vehicles shall be striped with double lines six (6) inches both sides of center between stalls to facilitate the movement into and out of the parking stalls.

Mr. Wetterman said this is not indicated in the pictures from the Fire Department report that shows pictures of two vehicles parked next to each other. Mr. Butler said we certainly appreciate the Chief's concern over parking. He said that is not something that we think has been fully flushed out and one thing we would commit to this board is that if you were to grant the conditional use and place a condition on it that requires a certain density of parking not to be exceeded or a certain code section that needs to be met, then we would meet it. He said and if we couldn't meet it, then we would not be able to conduct the activity. Mr. Wetterman said on your own map, you don't have an area for it, are you parking somewhere else? Mr. Butler said we may engage in conversations with neighbors as there is a lot of land around there. He said for example, across from Substation there is quite a bit of land and it's not used so we may be able to work out some alternative parking arrangements that make sure that vehicles aren't crowding any particular area of concern. Mr. Butler said I will say to you Sir and to your Fire Chief, because I know he is very concerned about this as well and so are we. He said we are not trying to cram anything in; we want to be sure to go by the code on every step. Mr. Kersten said what if the neighbor says no to parking, then what are you going to do? What if all the neighbors say no, we aren't cooperating, then what are you going to do? Mr. Butler said we are prepared for that possibility, we don't think it will happen because we've got pretty good relationships with neighbors, but if we can't meet those conditions then we can't conduct the activity and we are aware of that.

BRUNSWICK HILLS TOWNSHIP BOARD OF ZONING APPEALS PUBLIC HEARING MEETING MINUTES
JUNE 17, 2020

Mr. Butler said I think tonight, it was not our attempt to argue back and forth about these very finite reports, which I appreciate. Mr. Wetterman said it is hard to believe that you would expect us to grant you a conditional use permit without knowing all of the facts. Mr. Butler said if that is this board's objective, that's fine, but sometimes particularly when the zoning certificate is sought it's conditional – the board can place conditions and if the board is not inclined to do that in this particular case, then we would ask to come back and re-work our plan and work with the Fire Chief in the meantime to revise the plan and make sure we've got updated drawings, talk to the neighbors about parking, etc. He said our attempt tonight was to have our first conversation about this and doesn't appear that it will be our last, I hope. A board member asked if they are asking for a continuance. Mr. Butler said well we may do that, but if there are other concerns of the board, I wouldn't mind doing that so we can be sure to address them in the interim rather than ask for a vote tonight.

Chair Kersten said the applicant submitted for a special event and now we've gone to a business. Mr. Kersten said for us to give you permission for conditional or opening up a business there, we have to know everything that goes on. He said we are not just going to grant you something and then later on you do all of this. He said we've asked questions and we can continue this tonight unless you want to step away and say you want to continue this. Chair Kersten said that would be up to the board to grant you a continuance as we would have to take a vote. Mr. Butler stated one thing is certain that all of the questions asked tonight are certainly appropriate and the concerns are appropriate concerns. He said we are very sincere about that and want to address those concerns. He said I was just hoping that in whatever balance of time we have tonight to hear from the other board members or those who've already spoken with additional questions.

Additional Questions by the Board

Mr. Lucien said those who know me, know I've built five businesses from scratch. He said if I walked into any meeting with such a sloppy business plan, there is no way I would ever get anything started. Mr. Lucien said you need to harden this thing; it needs to have details as a business plan because you declared it a business. He said you are asking us to contribute to your business plan without any details as to what it is; that's not going to fly. Mr. Lucien said this plan is too soft. If you were to take this into a bank or to a venture capital firm looking for cash, they would throw you out. Mr. Lucien said you don't have details and you have to have details. Mr. Lucien said I know this area very well and you can't tell me the distance from this one pole on this tent to the house across the street – it's got to be 200 feet or more, so this is an all encompassing thing/project that you are trying to undertake so treat it like one.

Mr. Butler said we appreciate that and will take it under advisement. He said one of the difficulties we have is that it's a conditional use permit. Mr. Lucien said, but you declared it a business; I don't care whether it is a conditional or you are running a cash register every day, you need to have your business plan part of this. Mr. Butler said I think Mr. Aine put a lot of thought into this that has not necessarily come before you tonight if you would like to hear more tonight, or we can come back. Mr. Lucien said I've been listening and what I heard so far is very spongy. Mr. Butler said the plan itself, though, I think what I'm gathering is parking, distance to structures.... Mr. Lucien said we've been asking you questions all night long you don't have the answers for. Mr. Lucien said who owns the tent? Who's responsible for getting the clearance for the tent? He said if you are going to have one tent that is a one and done situation, you own it, ok; but if you are having your client involved as a reactionary, as-needed basis, which can be planned for, that is a cost, ok we're incurring for your benefit.

Mr. Butler said let me give you a brief explanation so know what the Aine's are looking to do for activity here. He said we don't see a big demand here, ok, maybe a few times a summer so that's one thing. He said Mr. & Mrs. Aine would work with a wedding planner. The wedding planner would contact the Aine's and ask if they may use your property on this particular date. Mr. Aine would say you are going to have to comply with all of these obligations he has and any additional obligations that he imposes on the wedding

BRUNSWICK HILLS TOWNSHIP BOARD OF ZONING APPEALS PUBLIC HEARING MEETING MINUTES
JUNE 17, 2020

planner. The wedding planner would be obligated to hire the tent and would run the show and Mr. & Mrs. Aine would not own the tent; they will not erect the tent. He said this would be an enterprise of professionals that would come in and construct it. He said caterers would be brought in but Mr. Aine would not engage with the caterers; he would just engage with a one contact individual which would be the wedding planner. Mr. Aine said we are just offering the use of the land. Mr. Wetterman asked how many wedding planners do you have? Mr. Aine said two. Mr. Wetterman asked a question about the two wedding planners (inaudible). Mr. Aine said we are just trying to get a feel for whether or not we can get this use. Mr. Wetterman said you are asking us to give you privileges and you can't answer us to what they are going to do. Mr. Wetterman said there is another point of cleanup, it says in the application that everything would be removed and cleaned up within two to three days; our zoning code says within two day, not three.

Mr. Aine said there would be a set of rules and guidelines that whoever would be coming onto the property to set up for an event would have adhere to. Mr. Schigel said we need a better business plan so we can make a better decision. He said there are questions on safety and how we protect our citizens and the people on your property. Mr. Schigel said there are concerns about outside parking and if people are walking across the road. He said those are considerations that we would like you to come back and talk to us about. Ms. Czyz stated to the applicants that you cannot use the lot across the street for parking. Mr. Aine said we'd like to use whatever is available. Ms. Czyz stated again, you cannot use someone else's property for parking, it all has to be on your subject property.

Applicant Request for Deferral (Continuance) of the Hearing

Mr. Butler said, Mr. Chair, we would ask for a deferral tonight so that we can supplement the materials and in the interim we will also meet with the Fire Chief and try to address those concerns as well. Chair Kersten conferred with Trustee Kusnerak. Trustee Kusnerak stated you can continue the hearing, but you have to set a date and time for the continuance. Mr. Butler asked if they can continue at the board's next regular meeting. Secretary Milanko stated the BZA meets on the first Wednesday of the month and the next meeting is Wednesday, July 1, 2020 and then August 5, 2020. Mr. Butler and Mr. Aine asked to continue the hearing at the August 5, 2020 meeting.

Vice Chair Schigel asked if anyone else has questions or concerns that should be addressed at the next hearing.

PUBLIC COMMENT

1. Barbara Duran, 4910 Sleepy Hollow Road, Brunswick Hills was sworn in. Mrs. Duran said the board has already covered a lot of what she had written down, but she would like to ask questions. Mrs. Duran asked if this conditional zoning is approved does this zoning certificate stay forever or does it have to be renewed periodically? She asked if this request is approved to conduct special events periodically, what does that mean? Every Friday, every Saturday, Sunday? Friday, Saturday and Sunday? Mrs. Duran asked if this request is approved under those conditions, who will be policing this? The Zoning Board, our Police Department, our Fire Department – who will be policing this? She asked if this request is approved, what time does the event have to be over? Where will the overflow of the cars go? Mrs. Duran said I can tell you for a fact that when those other events were held, they were held illegally and those cars were parked in front of my house when they had an overflow problem on their property.

Mrs. Duran said I also know for a fact that when the house was up for sale, as soon as you walked in the door to the left side, they had a tripod advertising it could be used for events. She said so they were trying to promote it then, all illegally. Mrs. Duran said I do have to give the current owners credit for trying to do this legally, but the harmonious word that was used earlier is not going to benefit me. Mrs. Duran said I don't have a summer home to go to when these events are on. I don't need to hear "Sally and Joe we hope you have a wonderful wedding and a very fabulous life together". I don't need to hear

BRUNSWICK HILLS TOWNSHIP BOARD OF ZONING APPEALS PUBLIC HEARING MEETING MINUTES
JUNE 17, 2020

that all of the time. She said and they wouldn't even know I had five parties at my house, I had a confirmation and in 2004 I had a graduation party; that is a special occasion. Mrs. Duran said with regard to this, I am not one of the other neighbors that is ok with this. She said it was mentioned about Willow Lake that was grandfathered in. My husband played in a band many, many years ago. She said we can still hear the music from there so can you imagine two doors away? Mrs. Duran said I hate to be the bearer of bad news and be the one who puts a bump into what they want to do.

Mrs. Duran said it was discussed that if this zoning certificate is considered, that is a business and that may be more revenue for the hills (Brunswick Hills) but that won't be good for me. Mrs. Duran said I can also give you some history. She said many years ago, the northwest corner on Substation was vacant, but now it is not, and it was for sale. There was a person that wanted to purchase that property and have the zoning changed to be used for his business for tax prep. The neighbors got together and one neighbor brought an attorney with her and the person who was going to buy it didn't because he knew that people in the neighborhood did not want this. She said just because you live in the hills and just because we have two, four, six or eight acres, doesn't mean that everybody can come in with their cranes, with their rental trucks and overflows from other businesses, used as a special event. She said now that I'm hearing that it is for profit, that is even more demeaning. Friday night, Saturday night for businesses used as a special event. She said I live at my house there summer, fall, winter, spring I do not want to be listening to all that racket. Mrs. Duran said I'm sorry if this is putting a bump in this, I do not know them and I appreciate them for doing what they are doing, but I don't know if the people who were ahead of them sold them a bill of goods on trying to make this an event center for them and thought it would be ok for everybody else – that's wrong.

Mrs. Duran said and what goes on as far as Brunswick Hills, if you can't stop, we are going to lose our rural residents because everybody is going to want to be building something somewhere to do something. She said then we will not have that type of peacefulness, tranquility, in our backyards. She said if they are going to have that then maybe I should put my boom-box out and blast it all over. I have no idea how long these events are even going to last; there are a lot of stipulations that I am hoping that each and every one of you would think how you would feel if you lived next door to them. Mrs. Duran said I appreciate you listening to me.

2. Jerome Duran, 4910 Sleepy Hollow Road, Brunswick Hills was sworn in. Mr. Duran said some of our neighbors have homes away from here and they are gone on the weekends; I don't have that opportunity. He said Willow Lake is 1/3 of a mile away and I know they are grandfathered in. He said when we sit on our deck, we can hear Willow Lake. He said three years ago, when they (2214 Substation) had their first party after they had all that work done there, we thought they are having a party. They had all of these people getting together, live bands and you could hear the bass drum, the bass guitar and all of the boom, boom, boom. He said that is what it is like living 200 feet away. Mr. Duran said the first year there were three to four parties, but the second year there were more – I lost count. The cars for their parties' park on the front of our property and on township property by the telephone pole. Mr. Duran said why do I have to pick up their trash when they are done? The beer cans, the beer bottles? What about the people the people walking around through the different properties when they are drunk? He said I fear for my wife's safety. Mr. Duran said I think you know how we feel, it's just not proper for this area. End of public comment.

Chair Kersten asked Chief Strazzo if he had any comments. Chief Strazzo said we are good; they have our 23-page report.

Chair Kersten asked the applicant's if they still wish to continue their hearing to August 5th? Mr. Butler stated yes and said we would like to take that time to address concerns and that of the neighbors. Mr.

**BRUNSWICK HILLS TOWNSHIP BOARD OF ZONING APPEALS PUBLIC HEARING MEETING MINUTES
JUNE 17, 2020**

Butler stated the Aine's want to be good neighbors and they are not trying to replicate the sins of the past. He said there were sins in the past and that is why we are hear trying to figure out a way to do this responsibly.

MOTION TO CONTINUE THE HEARING TO AUGUST 5, 2020 @ 7 P.M. FOR 2214 SUBSTATION ROAD

Motion: Mr. Lucien made a motion that we table/continue their session until the August 5th meeting. Mr. Wetterman seconds the motion. **Roll Call:** Mr. Wetterman-yes; Mr. Lucien-yes; Mr. Murphy-yes; Mr. Schigel-yes; Mr. Kersten-yes.

NEW BUSINESS – PUBLIC HEARING

(Case# 2.) Variance Request by Michael S. Beard, 2512 Muntz Rd., Valley City to build a single-family residence to the rear of property located at 5167 Sleepy Hollow Rd., Valley City OH. PP#001-02C-15-005. Current Zoning: RR Rural Residential, subject to Sec. 303-5 General Regulation of Lots.

Michael S. Beard, 2512 Muntz Road, Valley City, OH 44280 was sworn in. Mr. Beard said I have a parcel at 5167 Sleepy Hollow Road, 12.96-acres, and I have a home that I have rented out for several years to some folks who would like to buy the home. There is a pond and an outbuilding and they would like to buy a 3-acre piece of it, which would leave me 9.96-acres. Mr. Beard said the 9.96-acres has three buildings on it. He said it is very wide lot and the original people put the buildings up front because it was convenient. I would like to use the buildings, but because the buildings were already up, I have to come here.

Questions by the Board

Mr. Kersten said I was at your property and I believe there is an accessory building in front of the home now. Mr. Beard said yes, but I have no idea what that was. Mr. Wetterman asked, are you planning to sell the house that is on the property at this current time? Mr. Beard said yes with the 3-acres. Mr. Wetterman said I would like to point out that that property must change hands before you can receive approval to put a house next to that property, so I think you may have the cart before the horse at this point. Mr. Beard said I was told by the Zoning Inspector that I couldn't split the property to sell because I can't have three buildings without a home on the other 9.96 acres. Mr. Wetterman said be that as it may, according to our zoning, you can't have two homes on the same property. Mr. Beard said Ms. Czyz said I could have a year to build a new home. Ms. Czyz stated that Mr. Beard is well aware that the lot has to be split in order to put another home on there. She said what he wanted to do is see if it would be reasonable to do that before he split the property, because if is not going to be granted then he is going to keep that as one parcel as opposed to splitting the parcel. She said if you do not split the parcel, you cannot have the accessory buildings on the parcel without a home. Ms. Czyz said the permit is good for one year for a new residence. Mr. Wetterman said he can't start construction for the new home until it is split. Mr. Wetterman said we can add a condition that the house cannot be started to be built until the property is split. Ms. Czyz said that is correct and that home cannot be started before that property is split. Ms. Czyz also wanted the board to know that the certificates for those accessory buildings were granted before she became the Zoning Inspector. She said will all due respect, she did not think the Zoning Inspector at that time entered into a conversation on what is going to happen with the back lot. Mr. Wetterman said he didn't have a problem with where he is putting the proposed new house, he had a problem if the lot is not split. Mr. Wetterman said we also require architectural specs and drawings of the proposed new dwelling; I don't see that in here. Ms. Czyz stated the board will not get that until the lot is split and that is when he will provide the engineered drawings, etc.

Mr. Lucien asked what asset value do these three buildings have – are you using them? Mr. Beard said yes, as storage buildings. Mr. Lucien said if you knock them down your problem is solved. Mr. Beard said

**BRUNSWICK HILLS TOWNSHIP BOARD OF ZONING APPEALS PUBLIC HEARING MEETING MINUTES
JUNE 17, 2020**

they are nice buildings and I would hate to knock them down. Mr. Murphy asked if he is planning on living in this new home you are building? Mr. Beard said yes. Mr. Murphy said I suppose down in the back it drops down real heavy by the buildings, how are you going to get a house down there? He said I am going to build a house with a walk-out basement. Mr. Schigel ask whereabouts on this map will the house be? Mr. Beard pointed out the location on the map. Mr. Schigel said ok you have two spots on the map so it will be the one further back. Mr. Murphy asked, when you bought the property, did you do any investigation on the property as far as what is going on with those buildings in the front of the property? Mr. Beard said at the time I bought the property my daughter was going to live there. He said that fell apart but I had already purchased the home and I was kind of stuck with it. He said the folks who are renting the home want to buy it and I'm just trying to figure out a way to make it happen without having to buy the whole place. Mr. Wetterman asked the Zoning Inspector if the applicant knows where to go to get the property split up? Ms. Czyz said yes, we have spoken as what the process will be and he will have to provide information on where he wants the house, where it will sit to the Medina County Engineer's Office, The Highway Engineer's Office, the Tax Map Office and the Recorder so step-by-step we have discussed that.

PUBLIC COMMENT: None

REVIEW OF THE DUNCAN FACTORS: Sec. 1005-1 Area Variances

A. Whether the property in question will yield a reasonable return and whether there can be any beneficial use of the property without the variance. Mr. Schigel-yes; Mr. Murphy-yes; Mr. Lucien-yes; Mr. Wetterman-yes; Mr. Kersten-yes.

B. Whether the variance is substantial. Mr. Schigel-no; Mr. Murphy-yes; Mr. Lucien-yes; Mr. Wetterman-yes; Mr. Kersten-yes.

C. Whether the essential character of the neighborhood will be substantially altered and whether adjoining properties will suffer interference with their proper future development and rights as a result of the variance. All board members voted no.

D. Whether the variance will adversely affect the delivery of governmental services. All board members voted no.

E. Whether the property owner purchased the property with knowledge of the zoning restriction. Mr. Kersten said this is unknown because we did not ask this question.

F. Whether the property owner's predicament can be obviated through some method other than a variance. Mr. Kersten said yes, he can move it back. Mr. Schigel said yes, he could destroy the buildings; Mr. Murphy said yes; Mr. Lucien-no; Mr. Wetterman-yes, he can sell the whole property with the house.

G. Whether the spirit and intent of this Zoning Resolution will be observed and substantial justice done by granting the variance. Mr. Schigel-yes; Mr. Murphy-no; Mr. Lucien-yes; Mr. Wetterman-no; Mr. Kersten-yes.

H. Whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity and within the same district. Mr. Kersten-no; Mr. Schigel-yes; Mr. Murphy-no; Mr. Lucien-yes; Mr. Wetterman-no.

**BRUNSWICK HILLS TOWNSHIP BOARD OF ZONING APPEALS PUBLIC HEARING MEETING MINUTES
JUNE 17, 2020**

MOTION TO APPROVE THE VARIANCE REQUEST FOR 5167 SLEEPY HOLLOW ROAD

Motion: Vice Chair Shigel made a motion to approve the variance request for Michael Beard at 5167 Sleepy Hollow Road, PP# 001-02C-15-005, to build a single-family residence to the rear of the property behind the buildings. Mr. Lucien seconds the motion. **Roll Call:** Mr. Wetterman – no; Mr. Murphy-no; Mr. Lucien-yes; Mr. Schigel-yes; Mr. Kersten-yes. Motion carries to approve the variance request by a vote of three (3) yes to two (2) no votes.

Mr. Kersten said you will receive a decision letter in 30 days because if someone wants to appeal this decision, they have 30 days to file in Medina Common Pleas Court.

ANNOUNCEMENT OF NEXT MEETING DATE: Secretary Milanko reminded the board that the BZA has another hearing tomorrow night (June 18th).

PUBLIC COMMENT: None

Motion to Adjourn

Mr. Schigel made a motion to adjourn. Mr. Lucien seconds the motion. **Roll Call:** All in favor. Meeting officially adjourned at 8:21 p.m.

Respectfully Submitted,

Mary Jean Milanko, Zoning Secretary

Cliff Kersten, Chair

Date