

**Brunswick Hills Township Zoning Commission  
Regular Meeting Minutes  
July 2, 2020**

**CALL MEETING TO ORDER**

Chair Murphy called the Brunswick Hills Township Zoning Commission June 4, 2020 regular meeting to order at 7:00 p.m. A roll call of the board executed.

- **Board Members in Attendance:** Trica Murphy (Chair), Barb Porter, Patti Wetterman, Sy Mougrabi
- **Alternate Board Members in Attendance:** Dean Collura
- **Board Members Not in Attendance:** Robert Norton (Excused Absence)
- **Others in Attendance:** Wes Humphrey, Assistant Zoning Inspector, Fire Chief Anthony Strazzo, Trustee Christina Kusnerak (Zoning Liaison), Secretary Milanko

**Approval of the Minutes - Tabled**

Chair Murphy stated the minutes from our June 4, 2020 meeting are still being prepared.

**CONTINUED BUSINESS**

1. **Right-of-Way and Setbacks**
2. **Sporting Clay Shooting Regulations**
3. **Fire Safety Regulations**
4. **ZC Recommendation on Addendum of New Language to be added to all Zoning Applications**

Mrs. Wetterman asked if the continued business items can be discussed after Chief Strazzo has a chance to speak to the board. She also stated that Mr. Norton was working on the sporting clay shooting regulation and he is not in attendance tonight.

**Fire Safety Regulations & Zoning Discussion with Chief Anthony Strazzo**

Chief Strazzo stated he is in attendance for the Fire Safety Regulations that are on the agenda and asked if the board had any questions for him and he would answer those and talk about how zoning and the fire department and the Medina County Building Department come together and should interact. Chief Strazzo said typically the Zoning Office, Zoning Commission and possibly the BZA are the first point of interaction if they are looking to do a project in the township. He said the Zoning Office issues a zoning certificate for that particular property. He said currently the fire department is not included in the review, planning or even meeting with the prospective applicant. Chief Strazzo stated we have requested and are now getting zoning certificates, unfortunately, it's after they have been issued and it's the end of the month so it could be anywhere from three to four weeks after the original applicant applied and then you are looking at all the applications for an entire month.

Chief Strazzo said so how does this relate to the fire safety aspect? He said that after the zoning certificate is received by the applicant, they think they are good to go to build the building and actually start construction of their property. He said many times they have to obtain permits from the Medina County Building Department and depending on the building itself, there are reviews that have to occur to plans regarding fire prevention or fire detection systems and that is where the fire department comes into the planning process. Chief Strazzo said through our fire protection code, we also like to meet with these applicants to discuss some of the fire safety concerns that we have and they are very willing and able to correct early in the process vs. erecting the building and then we ask them to do certain things and they look at us cross-eyed because they received the zoning certificate and think they can go ahead with their project. He said if they have an Agricultural Exemption, they feel that by law they don't have

to submit to the Building Department, but even with an Agricultural Exemption the fire code still applies to those buildings.

Chief Strazzo referenced an example of the equestrian center that was built on Sleepy Hollow Road and the fire department at some point discovered that timbers were going up and an equestrian center was being built. We met with the owner and his attorney and they said they had an Agricultural Exemption and basically there was nothing that we could do about it. Chief Strazzo said we presented them with the Ohio Fire Code and the Ohio Administrative Code which says that although you have an Agricultural Exemption, you are not exempt from the fire code. He said unfortunately for us, most of the building was already built and some of the requirements that are in the fire code for that structure, feasibly once the building was up, could not be put in or added in with a cost that would be reasonable to the building owner. He said so we have to negotiate with them on a give or take of fire safety measures to put in the building to make it fire safe. Chief Strazzo said the whole point of this story is the earlier we can get involved in the process of anyone obtaining a zoning certificate, the easier it is to make sure that fire safety regulations are in place and adhered to.

Chief Strazzo referenced another example with the Olivieri building on Marks Road which was originally issued an accessory building certificate. He said the commercial building sits behind a residential home, two-unit apartments, but it is an obvious commercial structure that is behind that residential house and Olivieri was given an accessory building permit. He said obviously once the building was under construction, it was discovered that it was far from an accessory building – it is a commercial property. Chief Strazzo said so how did that affect the building process? He said obviously we notified the Medina County Building Department and they came out because they were trying to tie into residential electrical service, residential water supply, residential water and sewer supply and when you are trying to build a commercial business that is not acceptable. Chief Strazzo said they had to upgrade all of those systems. Chief Strazzo said there is also an affect that it has on the township. While it may not be a huge amount of money, but the permit if you are going for an accessory building the fee is much less than for a commercial building and it also affects the taxes for the property through the county because the county is viewing it as an accessory building vs. a commercial building. Chief Strazzo said ultimately it does have an effect on all of us in the taxes we pay throughout the county.

Chief Strazzo said the fire department has developed a really good relationship with the building department and they have a really good permitting system, similar to the “iWorq software” our zoning department is using. He said we have a log-in to the Medina County system where we can check by address or property number to see if a permit has been pulled and what permits have been pulled for that property. He said if we see some sort of construction going on, Fire Inspector Payne will log in to see if they have a permit for this property. He said we also look to see if they have a zoning certificate for that property. He said sometimes we get zoning certificates and we find there is no building permit and visa-versa. Chief Strazzo said the goal is to get zoning, the building department and the fire department to work harmoniously to make sure that all three entities when someone comes in wanting to either build a house, put an addition on, make a commercial building or something, that all three entities are informed and aware of what’s going on so that can each address our specific codes that we have. Chief Strazzo said that is the nutshell on how this all should come together.

### **Discussion by the Board**

Mrs. Wetterman thanked the Chief for informing us on what the process is that you have to go through to be able to look at these things. Mrs. Wetterman stated there is something else interesting going on with the situation down by Substation and Sleepy Hollow Road with these tents going up for events and these barns that are being restructured to hold weddings and events. She asked if there was any way that zoning can help the fire department with that because they are coming under different

classifications? Chief Strazzo said that is a perfect example and referenced the Substation and Sleepy Hollow Road project and said we got early notification of it and then we were able to provide the 20+ page report to the BZA of what our concerns would be related to fire and emergency response to that area. He said that obviously gives the BZA an idea of the challenges that we would have that we feel they would not be able to overcome. He said versus issuing that certificate and then us having to now go in and say well no you can't do it because of the fire regulations, so we try to head it off before it gets off the ground.

Mrs. Wetterman said she found it interesting that tents are considered structures. Chief Strazzo said yes and in the fire code if they are over 400 square feet, they would have to have an inspection and a permit from the Medina Building Department. He said that is another good example as to where the building department ends up tying into it. He said we also had concerns as to how they would get power so they would have to bring in generators, etc., which would bring in the building department and inspections. Chief Strazzo said they also asked the owners about facilities, toilets, sanitary and that brings in the Health Department and health inspectors. He said so that is why the earlier we can find out we can coordinate with all of these other agencies. Secretary Milanko referenced when the BZA got a copy of the fire department report for the Substation and Sleepy Road property, the report noted that a permit and inspection was required for each time they wanted to put up the tent. Chief Strazzo said correct and the way that the owner of the property explained it was that there could be an event with 50 people and so the tent might be only 500 square feet and then next weekend there may be a tent with 150 people so obviously that is a different size tent that might be going up. He said there were questions regarding the needs of their proposed events, do you need a generator or will it be from Noon to 3 p.m. where you don't need power supply and there are not lighting issue. Chief Strazzo said depending on the tent, if it has sides and they want an air-conditioned tent, that requires additional fire protection, emergency exit signs, etc. He said it is classified as a temporary place of assembly which would basically follow the same stipulations of the fire code as this room (town hall).

Mrs. Wetterman said and that would go for remodeled barns too as places of assembly they would have to file with the building department on how they are going to remodel the barns and the usage, correct? Chief Strazzo said correct. They might be able to get the Agricultural Exemption for the barn itself, but they still have to follow the fire code because it is a place of assembly. He said that has gone through the Ohio Supreme Court and they said yes, they do have to follow the fire code. Mrs. Wetterman said from the way I understand it, you have to specify what animals will be in the barn and if there are so many people in the barn you need fire doors and all of that needs to be presented ahead of time. Chief Strazzo said what they need to do is get an inspection before they can hold any events because we have to figure the occupancy loads and that is based on how tables are arranged, if there is a dance floor, if they have a bar area, seated tables or just chairs setup in rows. Mrs. Wetterman asked, would that be before any event? Chief Strazzo said yes. He said if it is going to stay consistent as far as the setup, that would be just a one-time deal. If it is going to change with every event, then it would have to be done each time. Mrs. Wetterman said if I remember correctly, the building department does not have anyone who does fire inspections, that's up to our township? Chief Strazzo said correct, they do not have any part in a fire inspection. He said during the building process up until they get their certificate of occupancy, they do inspect the fire protection systems, but once a certificate of occupancy gets issued whether it's temporary or the regular certificate, then it gets turned over to the fire department. Chief Strazzo said so the building department makes sure the building is built to code, the fire department ensures that it is maintained from that point forward.

Chair Murphy said, so what you are saying is when they change it to Agritourism, they have a farm and then they are going to invite visitors because they are doing Agritourism, they should get a certificate of occupancy? Chief Strazzo said it depends on how they are laid out. If it's a farm where they are just

walking up to and looking at pastures, then no they don't. If it is a barn where they are having an occupancy load of 25-100 people, then yes, they would have to have a fire inspection. Chair Murphy asked if that is per the fire code? Chief Strazzo said yes. Chair Murphy said that is not listed in the Agritourism language so how would that work if they come here to fill out an application because they would say it's just Agritourism so what happens after that? Mr. Humphrey said once they get it, unless they apply for a special event, once the building is up, they have to follow the standards for parking, etc.

Mrs. Wetterman asked Mr. Humphrey what the ZC could do to help the zoning office, put something in our code? Mrs. Wetterman and Mrs. Murphy said there are forms they would have to fill out. Mrs. Wetterman said we could have forms that request the percentage of usage of the barn that complies with the Agricultural Exempt? Mr. Humphrey said that is how they get the Agricultural Exempt. Mrs. Wetterman stated I believe in the fire code you can request what the use of the building will be. If they are going to hold special events in there because of the straw, etc., it becomes a public gathering place rather than an agricultural barn. Mr. Humphrey said it would be an agricultural barn with tourism. Chief Strazzo said it becomes a place of assembly.

#### **Discussion of Food Vendors in the Township**

Chief Strazzo said one other thing since we are talking fire safety, this came up this past weekend if you drove down Pearl Road you noticed that there were several food trucks or food stands. He said those also have an inspection requirement in the fire code. He said those trailers have to be inspected because they have propane, gas fire grills, etc. so there are specific requirements for those types of vehicles. He said none of the three vendors that were in the township this past weekend had contacted us to say that they were going to be in the township or request an inspection. He said the reason that they were on the township side is they are prohibited on the city side, so they took up residence in our parking lots. Chief Strazzo said we are looking into this and Officer Payne has reached out to all three of the vendors that were here. He said one of them did have the Transient Vendor Permit from the police department, although he had no inspection from the Health Department, which is also required, or an inspection from the fire department. Chief Strazzo said he was advised he needed his Health Department inspection and fire department inspection. Chief Strazzo said there was another one that we inspected and he met the fire code regulations for the fire where he was grilling and was operating under the food license for the location he was already at, hence he was good with the Health Department and did not require a Transient Visitor Permit. He said the third one had been inspected by the Cuyahoga County Health Department, but once you do that you are actually grandfathered by the Medina County Health Department as operating appropriately. He said they did not have an inspection from us and tried to explain to us that they had one done through the City of Medina. He said that is good for the City of Medina, but that is not a Brunswick Hills inspection. He said we've reached out to be sure those transient vendor food trucks do contact us so that an inspection can occur.

Chief Strazzo said a suggestion to the Zoning Department might be some sort of temporary vendor permit, especially if they are going to be putting a trailer or a tent in. Chief Strazzo said in the past, the Christmas tree guy that usually sets up on Pearl Road and Grafton, I believe has gotten a temporary zoning certificate. Trustee Kusnerak said he probably gets the Transient Vendor Permit because we don't have anything else. Chief Strazzo said so if they are putting up a structure or a temporary structure or the vehicle itself, that some sort of a permit whether it's a Transient Vendor Permit or some sort of a permit it could be for a short period of time, 90 days or 180 days. He said if they would at least get that then we would know that they are operating in the township. He said one of the vendors said we will pretty much be in the township on weekends until the end of summer and if we inspect them one time, we would be pretty confident that they would meet the regulations each and every time.

Trustee Kusnerak asked Chief Strazzo if he had or knows someone who has a template for something like that? Chief Strazzo said he could probably find one. Trustee Kusnerak asked Mr. Humphrey if the Zoning Office has a form like that. Mr. Humphrey said there is a Special Event Permit. Trustee Kusnerak asked Mr. Humphrey if he had any comments or concerns on what Chief Strazzo just presented. Mr. Humphrey said two of the three vendors were using the food licenses on the premises, right? Chief Strazzo said one was at the Red Onion, but they were operating separate from the Red Onion so the Red Onion's permit from the Health Department did not apply to them. They had their own permit from the Health Department. He said the one that was at Donna's Pet Care is the one who did not have an inspection but he needed one from the Health Department and the third one at the Skyview Lodge was operating by the Skyview Lodge so it functioned under the Skyview Lodge permit for the Health Department.

Trustee Kusnerak asked what does that have to do with zoning? Chief Strazzo said with zoning, they are basically putting up a temporary structure on the property so just as you would for an accessory building the zoning department want to put in special setbacks for the food truck. He said can it be right on the curb or does it have to be setback from the curb? He said does there need to be an application so we have contact information for all of those people? Do we want to know when they are going to do it or will there be 30 food trucks next Sunday at Donna's Pet Care? He said then it runs into if there is trash left over and all of those sorts of things that could come up just like erecting a tent and needing a permit for a tent for a special event. He said so it could be a permit used for special events with a modification to it for food truck license, etc. He said from what the vendors tell us, this came about and will probably be used because there are no fairs to go to over the summer, so they are bringing these food trucks out over the weekends in a parking lot to try to make money.

**Public Comment**

Mr. Wetterman asked if they got a permit for usage of the space from the landowner? Chief Strazzo said from what we understand, they just get permission. He said according to the Red Onion, it was Kurtz's Concessions and they have an agreement for them to be there the rest of the summer. Chief Strazzo said I don't know if they are paying them a certain amount per day, percentage of sales or whatever, but they have it reserved for the rest of the summer. Mr. Wetterman said so they are not going to set up in a shopping center that's not open on the weekend? Chief Strazzo said they could until the person who owns the building says get out of my parking lot. Mr. Humphrey said you cannot put structures in the right-of-way, so they can't be on the curbside. Mr. Humphrey said I really don't know how zoning could enforce it. He said it would have to be notification of the police and fire and Health Department and said I can't even remember the last time anyone even utilized that permit for Special Events. The board referenced Sec. 804-1 Special Events in the Zoning Code.

Sec. 804-1      Special Events

Special event areas may be permitted by the Board of Zoning Appeals, provided that the following conditions are met:

1. The time period does not exceed seven (7) consecutive days within any month period.
2. All operations are conducted at least two hundred (200) feet from all buildings.
3. Such operations do not cause or produce any dust, gas, smoke, noise, fumes, odors, or vibrations detrimental to persons or property in a neighborhood.
4. Any light used to illuminate the event shall be arranged so as to direct the light from adjacent premises.
5. No public address system shall be installed on the property unless it is modulated so as not to be disturbing to occupants of any nearby building.
6. All structures and apparatus shall be removed from the premises as swiftly as possible following the closing of the event.
7. The hours of operation shall be limited to between 10 a.m. and 10 p.m.

8. Clean up of the area shall be completed within the two (2) days following the conclusion of the special event.

Chair Murphy and Mrs. Wetterman noted that special events have to go before the BZA for a permit. Mr. Humphrey stated he does keep an eye out when he's out doing inspections, but he doesn't have a set route. Chief Strazzo stated these events are occurring on the weekends when the Zoning Office is not open. Mr. Mougrabi stated so it doesn't matter if they get permission from the property owner to park there, but they still have to get a permit to sell their product, correct? Mrs. Wetterman said they are running a business. Mr. Humphrey said they need a vendor's license. Chief Strazzo said yes, they need the Transient Vendor License Permit. Mr. Mougrabi asked who they get the license from, the Police Department or the Building Department? Chief Strazzo and Trustee Kusnerak said from the police. Mr. Mougrabi said so the Police Department issues the vendor license but they don't communicate with you to check for fire inspections. Chief Strazzo said at this time they do not. Trustee Kusnerak said that might be where we need to focus. She said a copy of the vendor license should be reviewed to see if there is information that needs to be in there and then let Ellen (police) know if somebody comes in for a temporary vendor's permit, they have to follow those certain steps or they will not receive their vendor permit. Chief Strazzo agreed and said there could be check boxes added to indicate if it is a food truck, etc. and then next to each one there would be a check box to indicate whether the Fire Department has been notified and then Ellen can forward a copy of the application to us. Mr. Humphrey asked if the township has transient vendor signs posted. Trustee Kusnerak and Chief Strazzo said yes and it says transient visitors must register.

Chief Strazzo asked Trustee Kusnerak if there is a time period required for the permit, or can someone walk in at 8:00 a.m. in the morning and be out at 8:05 a.m. walking the streets? Trustee Kusnerak stated there is 48-hour advance requirement because the police have to do background checks, etc. Trustee Kusnerak stated in the beginning, the permits were issued mainly for people going door-to-door, but things are changing now. She said Ellen would have them fill out the application, make a copy of their driver's license and any other pertinent information they needed and then the Police Department would do the background check so it takes a couple of days before they can get their permit. Mr. Mougrabi said the Health Inspector would also need to inspect food trucks and asked if they have to provide that also before they can get their vendors license? He said the health inspection comes from Medina County. Chief Strazzo said the Health Department has their own set of rules and they will allow reciprocity if they were inspected in Cuyahoga County, they allow that as being permissible as a Medina inspection. Mr. Mougrabi said they should have to provide a certificate that they have been inspected. Chief Strazzo said the problem is that we don't know what the Health Department regulations are, so we can't decide whether it meets the criteria or not.

Mr. Mougrabi asked about the Skyview Lodge and asked if they had all of their licenses, etc. to sell and grill because there are two separate identities functioning there. Chief Strazzo said they are all functioning under the Skyview food license and the Fire Department inspected the structures on the site and said the grilling area meets all code requirements. Mrs. Wetterman noted that the food truck at the Red Onion was in the right-of-way and you couldn't see around it. Chief Strazzo said yes, they had two or three parking spots on the Pearl Road parking area. Chief Strazzo said according to our zoning, they are required to have a certain number of parking spots and he didn't know if the trailer was taking up too many parking spots and then they no longer meet the zoning requirements. He said there is a safety issue, but the question is how do you get compliance because they will fight it and say they are setback so people can see through the intersection. Chief Strazzo said my view is, let's find a code section or something that they are violating so we can tell them they can't put it there. He said if you tell them they don't have the required number of parking spots because of this concession trailer, that

can be your enforcer. Mrs. Wetterman said yes, because the one at Skyview Lodge is parked way back. Chief Strazzo said yes, that one and the one at Donna's Pet Care, is also set back.

Trustee Kusnerak made a copy of the Transient Vendor Application for the board (Exhibit 1). Trustee Kusnerak stated at first glance it seems that we need to revise it. Mr. Humphrey stated I think between the Fire and Police you can revise this form to reflect the necessary items that need to be put on it. Mr. Humphrey stated our Special Events permit would not apply to this. Chief Strazzo said I look at this as that person is operating a business in the township and if you were to come in and say I want to operate a business; you would need a Zoning Certificate because you are occupying a structure. Mrs. Wetterman said, and tents qualify as structures. Mr. Wetterman said I would believe that would also apply to their parking area. Mr. Humphrey stated he would have to look at the code, but the Red Onion added a large parking area in the rear of the building and the one at Donna's Pet has a very large parking area and Skyview has a huge parking lot. Chief Strazzo said at the Family Tavern they occasionally set up with a trailer for a cookout and at Rico's they do a trailer once in a while in the parking lot. Mr. Humphrey stated he didn't think Rico's has enough parking and then they've added a farm market that sits on that. Chief Strazzo asked if the farmer's market needs to have a Transient Vendor permit. Trustee Kusnerak said she believed they do. Chair Murphy asked the Chief if he was going to review the application form or if he wanted the Zoning Commission to look at it. Mr. Humphrey said the Fire Chief knows exactly what he needs and if it is not on there he can talk to Ellen and Chief Sopkovich. Chief Strazzo said this was brought up to think about if things become more prevalent, there may be a need for more stringent regulations. He said the food trucks are really gaining popularity fast.

**Continued Discussion on Fire Regulations for Agriculture and Agritourism**

Mrs. Porter asked for more clarification on the earlier conversation regarding Agriculture and said for an agricultural barn that is not going to be considered Agritourism but used strictly for agricultural use for storage of tractors, equipment, etc., does that need a fire inspection? Chief Strazzo referenced the earlier discussed accessory building and said even with accessory building permits that are issued, it gets kind of tricky because there are accessory buildings that are leased or rented out to commercial businesses for storage of their tractors, etc. in that case that building would need a fire inspection because it is a commercial use building. He said although it is being used on a residential property, the application was actually a falsified application because it was applied for an accessory building for a homeowner use and it was not applied for as an accessory building or a commercial use. Mrs. Porter said I'm not talking about an accessory building; I'm talking about a barn that the owner of the property builds for their own use. Chief Strazzo said in that case they aren't required to have a fire inspection. He said when there is a corporate entity that is not the homeowner or the use owner of that property now renting that out for the operation of their business there has to be an inspection. He said if have your own barn on your own property and you put your own stuff in it, we don't require a fire inspection. Chair Murphy thanked Chief Strazzo for providing information to the board.

**NEW BUSINESS:**

**1. Review Zoning Resolution Sec. 1108 - Actions of the Board of Trustees**

Chair Murphy stated this question came up with the recent application by Redwood and there were questions on unanimous versus majority vote by the board.

**Sec. 1108- Actions of the Board of Trustees**

Within twenty (20) days after such public hearing, the Board shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Board denies or modifies the recommendation of the Township Zoning Commission, the unanimous vote of the Board shall be required.

Such amendment or supplement adopted by the Board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan not equal to not less than eight (8%) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect. Within thirty (30) days, notify the Zoning Board of Appeals and Zoning commission of action taken.

Chair Murphy asked Trustee Kusnerak for comments. Trustee Kusnerak said Sec. 1108 of the Brunswick Hills Zoning Resolution states that a decision by the Trustees to approve something different than what the Zoning Commission recommends, it has to be unanimously. She said we have since found out that that is not correct, so that section of the code has to be changed to be in line with the ORC. She said Sec. 519.12 of the ORC was amended in 2008 and “unanimous” was replaced with “majority” (vote). Chair Murphy said I don’t understand how it is a conflict meaning how “unanimous” is a conflict with “majority” because our code is more stringent. Trustee Kusnerak said right, but it was a split vote and from what Brian Richter (Medina County Prosecutor’s Office) told me it is considered a conflict of the Board of Trustees because there were two different votes so that’s how he came to that conclusion. Chair Murphy stated she looked up those cases he referenced and said I do have some questions on those for Mr. Richter and will submit them to Trustee Kusnerak. She said if we have to follow the ORC, then should we just change the language to say see ORC Section number? She said we will talk to Mr. Richter and find out what’s going on. Mrs. Wetterman asked how we get the revisions on the ORC. Mr. Humphrey stated online. Mrs. Wetterman said I know they are online, but how do you get informed if they make revisions? Chair Murphy said they probably come out with a new ORC every year, but the book is thousands of dollars. Chair Murphy said the big question to ask is if there are sections that we have to follow the ORC and then with those sections, we could do just like we did with Agritourism and just list according to ORC Section whatever the number is. Chair Murphy said why should we keep updating our book if the ORC mandates we have to follow that. Mr. Collura said the letter that we received from Mr. Richter has a sentence in the first paragraph, that says “*if my understanding is incorrect let me know and I will outline it in writing*”. He said what we are stating in our Sec. 1108 is more restrictive than what the ORC is. He said it makes it easier for the Prosecutor’s Office because no one is going to come in and challenge it, but I would certainly like to question that. Chair Murphy said when she was reading some of the cases it said if the ORC forbids something and the township allows it, that’s a conflict or vice versa, so that’s where I don’t see how this is a conflict unless it is a mandatory section. Mrs. Porter said she agrees with Mr. Collura on that because HOA’s can be much more restrictive than townships or the ORC and they can make sure their rules are followed. Mrs. Porter said so why can’t a township be more restrictive than the ORC? She said there might be a reason but I would like to get a legal opinion on it. Trustee Kusnerak said Mr. Richter also said in addition to Sec. 1108, there are other sections of our code that need to be looked at. She said Wes has been going through our code and will make a list with questions for the board and suggestions on how to make some changes.

### **ADDITIONAL BUSINESS:**

**1. Training.** Trustee Kusnerak said she talked to Brian Richter about have some training with us because there are several new board members and questions that need to be answered. She said it would have to be a Zoom meeting but he would be happy to do that and said if there are specific questions submit



them so he can get back to us with answers. Trustee Kusnerak said if the board would like to set up a Zoom meeting, she will work with Mr. Richter to set it up.

**2. Zoning Resolution.** Mr. Humphrey referenced Sec. 303-5 (C) (6) on page 19 of the Zoning Resolution (Effective 2007)

**303-5 General Regulations**

**C. Projections Into Yard Areas**

6. Terraces, unenclosed porches, decks, uncovered platforms, and similar unenclosed ornamental and architectural features may project a maximum of ten (10) feet into a required front or rear yard.

Mr. Humphrey read the section and asked how many people have decks 20 x 30 feet in the backyard, but in the front yard we could have a projection and we could keep it ten (10) feet or make it eight (8) feet if you want to change it. He said porches in the back, some of them have a 20-foot deck and 12 feet of it is under roof. He said I don't know if that is a typo in the book for the rear yard or not but it's something to look at. He said if you put a deck up, all structures from the main structure cannot take up more than 20% of your backyard. He said we've given out permits for this all the time for years. If you have a concrete patio and you have a swimming pool and an accessory building, all of those cannot add up to more than 20% of that backyard. Chair Murphy said we should compare the language to the 2006 Zoning Resolution.

Mr. Humphrey referenced Projections into the Yard Area on page 21 of the 2006 Zoning Resolution:

Terraces, uncovered porches, platforms and ornamental features which do not extend more than two (2) feet above the ground, or the ground or first story may project into the required side yard provided these projections are at least five (5) feet from the adjacent lot line. The ordinary projections of chimneys and flues are permitted in the required front yard. An open or unenclosed porch or paved terraces may project into the front yard for a distance not to exceed ten (10) feet.

Mr. Humphrey said it doesn't mention anything about the rear lot. Mr. Humphrey said, so if it is a typo, run it by the Prosecutor and then you have a verification that you can change that page because of a typo without having a hearing. Secretary Milanko asked what he thought our page should say. Mr. Humphrey said I think it's the front yard. Chair Murphy stated it says "front" or "rear" yard. Mr. Mougabi asked if that means he can put a shed in the front yard? Mr. Humphrey said no. Chair Murphy said no because there is a code that says it has to be behind your building and the BZA just heard a case on that. Mr. Humphrey stated he thinks it's a typo and "rear yard" should be deleted and said he's had a 16-foot deck off the back of his house since 1988 projecting out into the back yard.

**3. Zoning Applications on the Website**

Mrs. Wetterman stated she would like to discuss the zoning applications and getting the dates corrected from 2018. Chair Murphy stated she just printed out the Home Occupation or Temporary Zoning Certificate applications on the township website and it's dated 2013. Mrs. Murphy said she had to fill out the application because she works from home and none of the questions apply to a home occupation; they apply to a temporary zoning certificate so I think this might be something we need to look at regarding Sec. 303-8 Home Occupations. Mrs. Wetterman said we also have a Zoning Map Amendment application that is dated 2018. Mr. Humphrey said starting on Monday he will be going through all of the applications that are on the website and will update the information and fees that are not correct. Mrs. Murphy suggested the dates be listed as "20 - \_\_\_\_" and that way you won't have to go in each year and change the dates.

**4. Zoning Commission Vacant Vice Chair Position**

The board discussed that the Vice Chair seat is vacant and discussed making a nomination at the October meeting.

**PUBLIC COMMENT:** None

**ANNOUNCEMENT OF NEXT MEETING DATE:** November 5, 2020 @ 7 p.m.

**MOTION TO ADJOURN**

Mrs. Wetterman made a motion to adjourn at 8:15 p.m. Mrs. Porter seconds. **Roll Call:** All in favor. Meeting officially adjourned at 8:15 p.m.

Respectfully Submitted,

Mary Jean Milanko, Zoning Secretary

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Trica Murphy, Chair

Date