# Brunswick Hills Township Board of Zoning Appeals Public Hearing Minutes June 18, 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, Ron Wetterman
* **Alternate Board Members in Attendance**: Daryl Lucien
* **Board Members not in Attendance**: Kimberley Hall
* **Others in Attendance**: Evelyn Czyz, Zoning Inspector, Wes Humphrey, Assistant Zoning Inspector, Trustee Christina Kusnerak, Zoning Liaison, Mary Jean Milanko, Secretary

A quorum is present. Chair Kersten explained to the applicants that a majority yes vote means your variance is granted and a majority no vote means it is denied. Chair Kersten told the audience there will be no talking amongst yourselves during the meeting. Everyone will get a chance to speak and will be asked to approach the microphone to be sworn in and give your full name and address. All comments are to be directed to the board. Chair Kersten said the Brunswick Hills Township Board of Zoning Appeals acts within the regulations of Sec. 519 of the Ohio Revised Code.

# NEW BUSINESS: Public Hearing

**(1.) Variance Request by Marblewood Homes, 520 South State Street, Westerville, OH 43081 for a single-family Residential Condominium development for property located at 5182-5200 Center Rd**., PP#001-026-01-006, Current Zoning: R-1 Residential, subject to Zoning Resolution Sec. 403-3 Lot Requirements and Sec. 403-4 Setback Requirements.

Mr. Kersten swore in Evelyn Czyz (Zoning Inspector) and Wes Humphrey (Assistant Zoning Inspector) and asked the applicant to approach the microphone.

1. **Marblewood Homes (Applicant), Timothy Henn, 341 Ashmore, Powell, Ohio was sworn.** Mr. Henn said we are here tonight requesting a variance to the setbacks and side yard requirements for our proposed community. He said our community is planned for age-qualified buyers which means 80% needs to be age 55+. It is a planned villa community with a price point in high $200,000 to mid $350,000. Square footage will range from 1600 to 2400 sq. feet. He said some of the highlights in our community with an age restricted community you have the lowest impact on schools, traffic, and you generate revenue. Mr. Henn said the current parcel is actually zoned for single-family now and I have a slide show that I would like to show and talk about.

Mr. Henn said currently we have 1.5 to 2-acres that we would like to maintain and not touch the woods there. There is a 12-foot buffer between the existing community here and the Crossing’s here and we are trying to maintain the tree lines in that location. He said the current pond there now will be filled in. Pointing to the screen there is a stub street here and a turnaround over here. This is a condo community that will be HOA maintained for lawn care and private streets.

Mr. Kersten asked where the entrance is. Mr. Henn said our entrance actually comes off the planned stub street off of Easton Way. There is a stub street there that was planned for a future community. Mr. Henn said we did about a year and a half of ODOT studies off of Rt. 303 and they deterred us. The traffic numbers with an age-qualified community decreases tremendously. Studies from the National Homeowner’s Association indicate out of a 100-home development (and we are having only 31 homes) indicate 20 trips during a morning rush hour and 26 during evening rush hour.

Mr. Henn said currently the code requirement for the minimum lot size is 60 feet and our proposed minimum lot size is 56 feet. The side yard width current code requirements are 10 feet and we are asking for 5 feet so you would have 10 feet in between the homes. Mr. Henn said we are not asking for a variance on the rear depth. The school impact is out of 100 homes, 15 children would attend schools, and again we are asking for 31 homes so you may have one child attend school in this proposed development.

# Questions By The Board

Back to first map. Mr. Kersten asked if the only entrance to your development is off Easton Way off of Center Road? Mr. Henn said yes. Mr. Lucien referenced the 5-foot variance between homes and asked what kind of siding material will be on the homes. Mr. Henn said cement fiber boards. The 5-foot building code requires fire rated walls. Mr. Wetterman asked if the private roads will be the same quality as the township public roads.

1. **Mr. Lyle Wiley, Marblewood Homes, 7726 Lanetta, Westerville, OH 43082 was sworn in.** Mr. Wiley stated early on we met with the Fire Department to make sure they were comfortable with safety and security and we will be building the roads to the specifications required by the township. He said we have the engineer here if you have questions or need additional information.

Chris Schigel said I noticed the lot size is about half of what our normal lot size is and asked if there was a way they could meet the required 15,000 feet? Mr. Henn said over all we are trying to reach density and preserve that back area and the only way we can do that is to reduce the lot size. He said the HOA will maintain the lawns and when you reduce the lot size the cost of maintenance fees goes up. Mr. Henn said we are trying to preserve three areas; one is the front with the house that we are trying to keep on Rt. 303 and that house has approximately 1.5 to 2-acres in the back. Mr. Henn said to answer your question on meeting the requirement is no. Mr. Schigel asked if the AC units will be on the side of the homes or the back? Mr. Henn said a lot of the homes have a patio in the rear so we try to put them on the side of the house so the owners can enjoy their patio. He said we can screen them with landscaping so you don’t see them from the street.

Mr. Kersten asked where the emergency drive will be.

1. **Dean Frederick, Frederick & Associates, LLC, 4645 North Summit, Toledo, OH was sworn in**. Mr. Frederick said the house on Rt. 303 will remain and to the south of it is the access road to what is now the nursery. He said that will be the construction drive during development so we are not bringing that traffic on Easton Way. He said on the north side of that house the sewer and sanitary will be brought in off Center Road and so will utility service. Mr. Frederick said when you move down to Hartwell, ultimately our access route would be up through that utility corridor.

Mr. Murphy asked where the stormwater runoff will be. Mr. Frederick said in working with the Medina County Engineer, they are looking at two watersheds for the property. He said if you take the front third of the parcel towards Center Road there will be one watershed and that is where the 100-year flood flow that

comes out of Bramblewood and there is a retention basin that goes across this property. He said we will be maintaining that watershed going into the existing swales that go into the Crossings of West Valley. He said there is a retention basin at the front of the cul-de-sac so we can build our stormwater retention and restrict our release rate that Medina County would like us to do. Mr. Frederick said in the back we have another retention basin on the back southern portion of the property and that will discharge into the wetlands in the green space, which was recently approved right on the corner as part of the Chelsea Greens project. Mr. Murphy asked if he had that report. Mr. Frederick stated we have only met with the Planning Commission preliminarily and right now we don’t have final drawings for it. He said if we get through this hearing, we will go back to the Planning Commission to get our marching orders.

Mr. Wetterman said you will be splitting off the house on Center Road and asked how they justify 31 homes on less than 10 acres. Mr. Frederick said when we did the density calculation, we actually had that unit in there when we were running the density numbers. He said we would like to maintain that as a residential residence and then the remainder of the acreage will be divided up, but that house was included in our density calculations for the 10 acres. Mr. Wetterman stated you are over the three per acre for the number of homes and said our code allows only three homes per acre. Mr. Wiley asked what the total acreage is. Mr. Frederick said 10.6 acres. Mr. Wetterman said you have to remove that property from your development because that front property is not going to be in your PMUO development. Mr. Wetterman asked if that house was going to be part of the HOA? Mr. Wiley said it was not intended that way. Mr. Wetterman said then how can you justify using it as part of your acreage for your development? Mr. Wetterman said Mr. Cekada is the property owner and asked if he is here tonight. Mr. Wiley said he is not here. Mr. Wetterman said I want to point out that you need to have a signed document from the owner giving you permission to talk for the property. Mr. Wetterman said I would like to respectfully ask that this meeting be continued until the homeowner signs a consent letter.

Mr. Lucien said, Mr. Chairman, if we decide to table this meeting, I move that we allow the people the opportunity to speak as they are here and have invested their time to be at this meeting. Chair Kersten asked Mr. Wetterman to specifically state what he asking a continuance for. Mr. Wetterman said I ask that the meeting be continued at this time based on the fact that the homeowner has not signed the application. Mr. Wetterman said the property owner has to sign this application and verify Marblewood Homes to speak on his behalf. He said we will give Marblewood the chance to provide that signed document. Vice Chair Schigel said we should have the owner’s signature to make sure it is legitimate. Mr. Lucien said either he comes to the meeting and says he is giving them permission to speak, or he provides a consent letter. He said either way until then we cannot proceed.

# Motion to Table the Marblewood Homes/Cekada Public Hearing

Mr. Lucien asked the Chair if we can make a motion to table the presentation, but continue allowing the public to make their statements known.

**Motion**: Mr. Wetterman made a motion to continue the hearing at this time and reschedule it for July 1, 2020. Mr. Lucien seconds the motion. **Roll Call**: Mr. Murphy-yes; Mr. Schigel-yes; Mr. Lucien- yes; Mr. Wetterman-yes; Mr. Kersten-yes. Motion carries to continue the hearing.

Secretary Milanko confirmed to the audience that the hearing will be continued on Wednesday, July 1, 2020 at 7:00 p.m. at the Diamond Event Center and noted that since the meeting is continued to a date and time certain, it does not have to be re-advertised or new letters sent out.

Mr. Murphy asked if the owner’s signature has to be notarized. Mrs. Czyz stated yes and said she assumed that Marblewood Homes was the owner on record and not the Cekada’s when the application was submitted. She said she will contact Mr. Cekada on Tuesday to sign and notarize the application.

# PUBLIC COMMENT:

1. **Mike Bigrigg, 1491 Newman Drive, Brunswick Hills was sworn in.** Mr. Bigrigg said our location to that condo development is that I am the second house on the southeast end of the development. The first house is the area where the woods are at and the gentleman said they are going to drain the stormwater in that area and said the storm drain has been fixed. He said that is not the case, there has been flooding going on there for the last several years. He said there are three large storm sewers just within that distance and that still hasn’t solved the problem. It is a natural area for water to drain and it’s been a problem area they have been trying to fix and having another 31 homes drain into that area seems like a nightmare. The area is very low and the only drainage area we have to deal with is that woods. Mr. Bigrigg said if they are going to put drainage in there, trees will have to come out to make room for that drain and the county is going to ask for an access road back there and that water has to go somewhere. He said to put 31 homes back there will create further problems.
2. **Delores Rego, 1391 Newman Drive, Brunswick Hills, OH was sworn in.** Mrs. Rego said I live in the Crossings of West Valley and my unit faces the tree farm and I have several concerns. First of all, Rt. 303 has a lot of substantial traffic and truck traffic and there are a lot of car crashes and sirens. There is a small shoulder with traffic going 45 mph and adding additional traffic concerns me. Mrs. Rego said I am concerned about an environmental issue with the wetland back there. When we walked the area, we saw all kinds of construction debris and trash floating around. She said the quality of my life and my neighbors would be negatively impacted. You’re looking at many years of construction noise, dirt and pollution negatively impacting our lives.
3. **Chris Szyelowski, 1392 Easton Way, Brunswick Hills, OH was sworn in.** Mr. Szyelowski said my property is right behind the tree farm. They are going to tap into the water supply and it will affect our water pressure. He said I agree with Mrs. Rego’s comments and said with something like this there will be a lot of unhappy people in our neighborhood. He said with all that debris our homes will get very dirty and there is already a lot of dust from that tree farm already.
4. **Stephen Pocztar, 1423 Easton Way, Brunswick Hills, OH was sworn in.** Mr. Pocztar said he had a concern about the notice and said I live on the other side of the street and if traffic is going down Easton Way, I think the whole development should have gotten a notice; not just the houses along the property lines. He said all of this extra traffic is going to affect the whole neighborhood. Mr. Pocztar asked about the house on Rt. 303 and wondered if the owner is staying or is the house going to be sold? He said I don’t understand, if they are buying the whole property, then why is that house going to stay and why can’t the entrance just be there? He said if they are buying everything then that should be part of the whole deal and they should be creating an entrance way off of that. Mr. Pocztar said each house on Easton Way and Preston Place easily has two kids. He said we average 1.5 kids per house in our neighborhood and now we are adding 20 cars? He said he didn’t buy the 20 cars estimate they gave because we are talking about the 55+ and all their family driving down that street. He said and I’ll guarantee you if there is an emergency entrance there, the fire and emergency won’t know there is an entrance there and they will all come down Easton Way. He said no disrespect to older drivers, but we all know their reaction time is not the same as a 30 or 40-year-old and it is going to be a dangerous situation with all of the kids, balls and bikes and all of this extra traffic. He said I also have safety concerns if they open up that dead end now and the main entrance is Easton Way, we will have people coming in there and we don’t know who they are. Right now, we all have a pretty good idea

who belongs there and who doesn’t. He said we are adding 31 units and their family will all come to visit and it just adds a risk to the neighborhood. He asked why it is going through Easton Way and not looking at the Drug Mart side. Mr. Pocztar said I think the township should look at making Rt. 303 a four-lane road from Substation to Marks Road; or Pearl all the way down because there is a lot of traffic, trucks, etc. Mr. Wetterman said with Rt. 303 being a state road, it is all up to ODOT and unfortunately the township or City of Brunswick can do anything about it. Chair Kersten said the notices are sent out by the law of the ORC. Mr. Pocztar said I understand that but once Easton Way became the primary entrance for this project, I think that should be revisited because we all become part of this project.

**Evelyn Czyz, Zoning Inspector** said regarding Hartwell and where it ends off of Easton Way, the reason that was a stub street is the county required that because it was intended for that street to continue on to the proposed new subdivision or any other subdivision that was proposed. She said the subdivision will have private streets; Easton Way is a public street and anyone can go up and down that street in their car as much as they want and there is nothing that the township nor our police department can do about it. She said yes, you will have more traffic and as far as a turning lane on Center Road, I personally spoke to one of the engineer’s from ODOT and because of the size of the width of Rt. 303, they don’t think it is viable and cost effective to put in a turning lane there. Mrs. Czyz said the property that is remaining is Mr. Cekada’s and he does not wish to have it part of the subdivision – and that is his right. Mrs. Czyz said with access ways, our safety forces are going to go into that subdivision and let’s say the incident occurs on sublot #14, they are going to take the fastest way to get there and that is going down Easton Way and make a right onto Hartwell and quick right to that location. She said the same for some of the other lots because that is the quickest and fastest way for them to get there.

Mrs. Czyz said the fire department has stated the fire hydrants have to be every 300 feet. The mailboxes will be determined by the US Post Office as to whether they will have a mailbox in front of every home or whether they will have several cluster mailboxes. She said the houses will have the address on the same side of every single home. Mrs. Czyz said the water issues are not the township issues they are the Medina County Stormwater Management issues and they are the ones who are going to dictate where things need to be, it is out of our hands.

**Vice Chair Schigel** asked Mrs. Czyz if Mr. Cekada is using that house as a rental. Mrs. Czyz said I believe that home is a rental home. Mr. Schigel asked if that will be part of the purchase? Mrs. Czyz said Mr. Cekada is keeping that property. Mr. Schigel said so that property is not part of this whole development is that correct? Mrs. Czyz said that is correct and it is stated on your plan they are asking for 31 homes. Mr. Schigel questioned how big the property size is without that property. Mrs. Czyz said 9+ some acres. Mr. Schigel asked if that changes the number of houses they can build. Mrs. Czyz said you can put 2.9 or basically 3 houses per acre. Mrs. Czyz said they are asking to reduce the size of the lots so if that is granted, they can probably put in 30-31 homes. Mrs. Czyz said I am sure that someone from Marblewood Homes can tell you the exact acreage without that one home.

1. **Marco Bocciarelli, 5150 Hartwell, Brunswick Hills was sworn in.** Mr. Bocciarelli said I agree to all of the issues raised prior to me getting up here. He said we have these standards here for a reason in Brunswick Hills because we are trying to maintain a certain way of building up our community and that is why these standards exist in the first place. He said this is personal for me if you look at any of these maps because my home is going to be in the entrance way. He said from what I’ve heard and I read, there is not a question that they could not build a safe entrance off Rt. 303 so that my children can continue to play in our roads without concerns about additional traffic. What they say in their letter about that separate entrance is the improvement with 500 feet along the roadway is that this improvement would have dramatically impacted

the adjacent properties during construction, but for eternity it will affect the development that I live in and the families that live there. He said it will double the amount of properties that will be accessing that road and the amount of traffic. He said for all of these reasons and the standards you have should be the reason why we are against this development.

1. **Inara Splavins, 1493 Newman Drive, Brunswick Hills, OH was sworn in**. Mrs. Splavins said my concerns were expressed by my neighbors and I want to say I have a severe water problem. She said when I moved in my condo, the water problem was very little and then it was very aggressive and up until now they have not been solved it. I’ve been living here for three years hoping this problem could be settled, but now with all these homes coming in I am not happy this has not been settled.
2. **William States, 1481 Newman Drive, Brunswick Hills, OH was sworn in.** Mr. States said unfortunately I purchased my home one month ago and the swale that they want to drain into is 10 feet behind my home. He said I don’t want to look at the property they want to build on every day because I moved to Brunswick Hills to get away from water problems in the city. He said the lot I purchased was at a pricey premium because it is adjacent to those woods and the wetland. He said that now goes away and we have devalued lots because of the building behind us. He said the drainage issues also devalues the property value. Mr. States said and for you to say the water problem is not a Brunswick Hills problem and it is Medina County, I’m sorry but you have residents here that it is a problem. He said it is a problem and don’t fluff it off to Medina County. Chair Kersten tried to confirm what the Zoning Inspector said and that is that all of the water and storm water is controlled through the Medina County Engineer’s. Mr. State said but you’re their boss and we are your residents and you work for us. He said I understand it is their problem, but we are the residents you are supposed to be representing to them. Mr. States said that swale is 10 feet from me in the back and you are talking about draining 32 more homes into that swale and that drain that already has problems? Mr. States said and they are talking about a 55 and over community and how is that going to affect emergency services with the fire department and rescue? He said 55 and over communities seem to use those services more and how is that going to affect the other residents in the hills?
3. **Betty Wroblewski, 5311 Redford, Brunswick Hills, OH was sworn in.** Mrs. Wroblewski said I’ve been listening to all of this and I agree with what is said. I’ve been living in the Crossings for four years and I have a concern. When that was developed was there thought of another development draining all the water in our catch-basins and is all of this stuff big enough to drain into ours? She said our water pressure is very low and very slow. She said they want private streets and from what I’ve seen no one inspected the streets in the Crossings because they are all paved streets and they are not wide enough. The driveways are not long enough because half of the cars sit halfway into the street. She said all of these issues need to be looked into for any development. She said there are curbs in the front, but as they continued the development, they stopped curbs and because of that there are always cars driving along your lawn and we pay for that because we keep having to re-seed and bring more dirt in because cars are driving on our lawns. She concluded by saying the main issue is the water.
4. **Anthony Popelmayer, 5131 Hartwell, Brunswick Hills, OH was sworn in.** Mr. Popelmayer said the concern I have is the flow into this community. Hartwell dead ends there and there was some thought by future developers to extend that and that never happened. He said so now they are looking to get a variance to change what would have been a single-family home like the entire development has to a condo complex. He said it is a private street 25 feet wide which is half of what Hartwell is and there are probably 80-100 kids in this development so the flow of the neighborhood of a condo complex that caters to 55 and over does not make any sense. He said we have all of these children and then all of these people trying to move into this neighborhood for their retirement years and they are going to be dealing with all of these children. He said

this is a neighborhood geared towards families. Mr. Popelmayer asked if there were going to be any sidewalks in the condo development because he didn’t see it on the plan. He said our whole development has sidewalks and there are children riding bikes, people pushing strollers and he said the kids are going to go down there and will be riding in the streets and that is going to cause problems for residents trying to get through. My concern isn’t necessarily with the development as someone who owns property has the right to sell, but the way they are trying to get a variance to put in a condominium complex, it is not zoned for that right now.

1. **Andrew Saliga, 1462 Easton Way, Brunswick Hills was sworn in**. Mr. Saliga said I am on the corner of Easton and Hartwell so I’ll be affected three ways: traffic down Easton, traffic down Hartwell and the beautiful view we have right now. They are looking at putting two lots against my back lot. They are telling us they will enter on Easton but it’s not going to affect our property values, but it most certainly will. He said I don’t know why they wouldn’t have an adjacent lot using Easton Way and Hartwell as an entrance. They want a variance to make lots smaller and put homes 10 feet apart; that’s less than from me to you and it is ridiculous. Mr. Saliga said I have the same concerns as everyone else does with traffic and the children. We also moved from Brunswick City to Brunswick Hills to get away from the cement and get back to some greenery and this is not what we expected at all. As far as the Sanitation Department of Medina County, Brunswick Hills may not be able to directly do anything about that, but what you can do is not give this variance and not let this stormwater issue become full-phase for these individuals.
2. **Sharon Gall, 1441 Newman Drive, Brunswick Hills was sworn in**. Mrs. Gall said I’ve lived in Brunswick my whole life and lived on Rt. 303 and I’ve seen Brunswick grow and grow. When I was a kid Rt. 303 was a two-lane road all the way from Hinckley to Valley City. She said my concerns are the traffic and the water problems. Mrs. Gall said where Drug Mart is used to be wetlands and they filled it in and where we live in the Crossings there are many little wetlands no one can do anything with and we have a water problem. She said if Medina County doesn’t do something about it before this development goes in, we are going to get flooded and we already have that problem. Mrs. Gall said I’m concerned about the access road being emergency only? What happens if the development comes in and when they are done is that access road closing? She asked if the roads are going to be asphalt or concrete or have curbs and sidewalks?

**Mrs. Evelyn Czyz, Zoning Inspector**, said the access road for emergency will be closed once the development is done just like it was for Drug Mart going into your subdivision Crossings of West Valley. Once that was completed it was shut down. Mrs. Czyz said with regard to the private roads and curbs, that is up to the Medina Highway Engineer’s Office.

**Mr. Lucien** stated that there are questions being asked that we cannot answer because we tabled their presentation.

1. **Sally Erwin, 1473 Newman Drive, Brunswick Hills was sworn in.** Mrs. Erwin said my concern is with the tree lines that face the back of the homes on Newman Drive. She said we bought our lots at a premium and were promised those trees would be there for a long time and I would hate to see someone come in and knock those down.
2. **Staci Vetrick, 1456 Easton Way, Brunswick Hills was sworn in**. Mrs. Vetrick said we moved here six years ago and when we first moved here the tree farm was not using that property, but over that time they have grown and put more trees in. She said at the time we moved in, the water between our house and our neighbors was fine, but as the tree farm grew and grew, it stays wet between our houses for quite some time. Mrs. Vetrick said I do not have a sump pump; my neighbors to the one side do, but my neighbors on the other side do not. She said we were told by Drees Homes that we did not need a sump pump, so my

concern is should this water become an issue and we start flooding, are they liable or are we liable or that? She said if we don’t have water now and then we do if they build this development, we will have an unsellable situation – who is liable? Mr. Kersten said we cannot answer that question without an attorney.

1. **Brandon Richards, 5149 Hartwell Lane, Brunswick Hills was sworn in**. Mr. Richards said I agree with what everyone has said but my biggest concern or question is why can’t they build an entrance off of Rt. 303? Mr. Kersten stated I can’t answer that question, nor can anyone on this board answer that question tonight, but I’m sure that will be asked when they continue their presentation. Mr. Richards said my understanding is that they would have to extend that turning lane and, in my opinion, it is just going to add to the congestion. I live at the corner of Easton and Hartwell, so this will directly affect me and I think they really need to build a third lane all the way down Rt. 303 to Marks Road because that Drug Mart is adding a lot of traffic and there are always trucks from the Industrial Parkway so they should look into that. Mr. Kersten said I’m sure that question will be asked at the next meeting. End of public comment.

**Announcement of Next BZA Meeting**: Wednesday, July 1, 2020 @ 7 p.m. at the Diamond Event Center for the continuance of this case.

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

Respectfully Submitted,

Mary Jean Milanko, Zoning Secretary

Cliff Kersten, Chair Date