

**Brunswick Hills Township Board of Zoning Appeals  
Public Hearing Meeting Minutes  
Township Hall & Zoom  
February 16, 2021**

**Call Meeting to Order**

Chair Kersten called the Brunswick Hills Township Board of Zoning Appeals Public Hearing Meeting for February 16, 2021 to order at 7:02 p.m. A roll call of the board was executed.

- **Board Members in Attendance:** Cliff Kersten (Chair), Chris Schigel (Vice Chair), Ron Wetterman, Ann Barron
- **Alternate Board Members in Attendance:** Daryl Lucien (Virtual), Todd Spiker
- **Others in Attendance:** Trustee Christina Kusnerak, Zoning Liaison, Evelyn Czyz, Zoning Inspector (Virtual), Fire Chief Anthony Strazzo (Virtual), Fire Prevention Officer Matt Payne, Mary Jean Milanko, Secretary (Virtual)

Alternate, Daryl Lucien was seated to represent a full board. Chair Kersten stated a quorum is present. Chair Kersten explained the vote to the applicants: *A YES simple majority with a quorum present is in favor of the applicant. A NO simple majority, or a TIE, vote with a Board of four (4) will deny the applicant's request.* The Brunswick Hills Township Board of Zoning Appeals acts within the regulations of Sec. 519 of the Ohio Revised Code.

**New Business: Public Hearing**

**CASE #(1) Southwest Baptist Church, 329 N. Carpenter Road, Brunswick Hills, Ohio 44212.** Area Variance request for construction of a new accessory building for multi-use functions for a height of 26 feet. PP#001-02-B07-005, 5.45 acres, current zoning R-1 residential.

**TESTIMONY & EVIDENCE**

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

**1. Pastor Gregory Adam Davis, 363 N. Carpenter Road, Brunswick Hills was sworn in.** Paster Davis said we'd like to build a church building/sanctuary/gymnasium combination building with classrooms, a lobby and in essence this will be a church building. The height of the building will be 26 feet and a few inches and that is the reason we are here today. He said there is also another matter regarding the storm water retention and that paperwork was dropped of in December.

**Questions by the Board**

Mr. Wetterman said I noticed on your application you did not answer the question that asked if you have requested variances in the past and asked, have you had any? Pastor Davis said we had a variance for a flag pole some time ago and also a variance for moving the front setback of our property. He said that was when we were going to put our sanctuary in the front and now it is going to be in the back so the frontage is not an issue. Mr. Wetterman said what about the sign. Pastor Davis said I guess there was one for the sign. Mr. Wetterman asked if there was a particular reason he did not answer that question or was it an oversight? Pastor Davis said it was an oversight and I thought the question was in regard to this request. I didn't know it was for things in the past. Mr. Wetterman said since the church owns the property, that is information we are looking for.

Mr. Wetterman said there is another accessory building at the east end of the property and asked what the purpose of that building is. Pastor Davis said it is for storage of chairs, tables, signs, lawn mowers, snowblowers. Mr. Wetterman referenced the Fire Department report and asked if they are also storing construction

equipment in there. Pastor Davis said yes, we do. Mr. Wetterman asked if that is for a personal business. Pastor Davis said no, it is not. Mr. Wetterman said I am confused as to why the church needs construction equipment. Pastor Davis said we just expanded our parking lot last year.

Mr. Schigel referenced the height of 26 feet and asked if there is any reason why he can't build that a little smaller so he would be in compliance. He asked why he is requesting 26 feet. Pastor Davis said there will be two floors and you can't put two floors in 15 feet height. Pastor Davis said it is 15 feet for an accessory building, but I am not sure this is an accessory building because it is not a barn, it is actually going to be our church sanctuary and meeting area. He said I don't know if through your code that is the only way it can be put through or how that works. Mr. Schigel said in different areas there are different height restrictions, and in your area, there is a height restriction. He said churches can be built in I-1 Industrial District and you have up to 50 feet. Mr. Wetterman said in RR-Rural Residential it is 25 feet and there would be other options if you were to attach that to your main building and you wouldn't have an issue with the height. Pastor Davis said we won't be able to attach it, per the Fire Department. Evelyn Cxyz, Zoning Inspector, said the reason for the accessory building is because it is an accessory use to the main structure. Therefore, this accessory building and this church are located in a R-1 Residential, so Mr. Wetterman and Mr. Schigel are absolutely right. The height limitation is 15 feet from the ground to the peak, and if it was in a RR-Rural Residential it would be 25 feet from the ground to the peak. She said there is not a common wall, therefore, it is an accessory building.

Chief Strazzo clarified the statement made by the applicant where he said the Fire Department said he cannot attach the building – that statement is incorrect. Chief Strazzo said the comment that was made was that if he did connect the buildings and essentially make it a single building, he would have to sprinkler and alarm the entire building. Chair Kersten asked the applicant if he received the letter from the fire department inspection report, which he did. Mr. Kersten asked him if he is able and willing to meet all requirements set forth by the fire department. Pastor Davis said yes.

Chief Strazzo asked if Fire Prevention Payne provided the board a copy of the non-conformance disapproval from the Medina County Building Department which they just received today. Chief Strazzo said on February 9<sup>th</sup>, The Building Department based upon the plans submitted by the applicant, issued a two and half page non-conformance letter regarding the building. He said the part that is of particular interest to the fire department is that there are a total of 29 corrections or clarifications that needed to be made. Of those, number 1, numbers 3-12, and numbers 23 and 24 are all directly related to fire protection of the building and fire systems within the building. When we met with the applicant, he wasn't in favor of having to put in an alarm system or a sprinkler system and obviously that is due to cost. Chief Strazzo said if you look at the square footage footprint of the building, it's 12,000 square feet and the code is anything over 12,001 square feet would be required to have that alarm and sprinkler system. He said where they are getting caught is the mezzanine second level. They are referring to the second level as a mezzanine, but based on the square footage, it is actually a true second story within the building which then requires them to put those systems in. The fire department operates with a minimally staffed department so early notification and warning is paramount for us for the immediate response to the location. Also, with any place of worship the number of attendees within the building is also always a concern and making sure they are promptly notified if there is an issue in the building. Chief Strazzo said at this time we would ask that the board not approve the zoning variance until such time as the plans that have been submitted to the Building Department meet the necessary qualifications for the structure. Fire Prevention Officer Matt Payne gave the applicant and the board a copy of the Building Department letter (Exhibit 1).

Pastor Davis stated to Chief Strazzo we are not opposed to putting in whatever we need to have for the building. I wasn't opposed to it in the beginning as we don't want to do more than what we have to do.

Pastor Davis said one of the issues we have is the well water situation in regard to sprinklers and the hydrant that would probably be necessary if we have sprinklers in the whole building. Chief Strazzo said right and just

so the board knows, that is one of the issues that could particularly be of concern because they do not have the water supply on the township side and the hydrants are on the city side. In order to tap into that water line, they would have to annex that property to the city to have water rights. Chief Strazzo said there are some other options that possibly his architect can look into, which would be either reducing the footprint of the building and putting in some of the fire prevention designs that are stated in the non-conformance letter. For example, possibly a cistern which would hold water in the need of firefighting. He said those are options that would have to be explored by the architectural and engineering firms.

Mr. Lucien asked when was the last time this well was flow rated? Pastor Davis said it has been a little while, but we've been working with the EPA regarding that well and whether we would have to drill another one, etc. Ms. Czyz asked Pastor Davis if he has contacted the Medina County Health Department regarding the well? Pastor Davis said yes, and they referred me to the EPA because it is a public water system. Ms. Czyz said and for the board, you need to remember that he is asking for almost a 100% variance on the height limitation.

Pastor Davis asked for a definition on what an accessory building is. Mr. Wetterman said an accessory building is a building that is not attached to the main building or residence. Pastor Davis so just not attached? Mr. Wetterman said I would prefer to see it attached especially since you require a second floor of 26 feet in height. Either that or try to get the property rezoned with the Zoning Commission. Secretary Milanko read the definition of an accessory building or use from the Zoning Resolution:

***Accessory Building or Use:*** A subordinate building or use located upon the same lot occupied by the principal building or use and which is customarily incidental to said principal building or use. A tool shed, detached garage, carport, gazebo, pergola, and similar permanent and semi-permanent structures shall be considered as accessory uses and/or buildings.

Pastor Davis stated it is my opinion that it is not an accessory building; it's not incidental to the use, it is the use because the church will be in there it is a sanctuary. Ms. Czyz stated that the church is a conditionally permitted use, it is not a permitted use in R-1. Mr. Wetterman said so the predominate use will be a church. Pastor Davis said yes. Ms. Czyz stated if that is the case and they are using it as a church, it is a conditionally permitted use and then he would have to file for a Conditional Use Permit. She said look under R-1 in the code. Chair Kersten said she is correct; it would have to be a conditional permitted use and he would have to refile his application because he is asking now for just a variance. Ms. Czyz said and the accessory building also is not the main use, it is an accessory use to the main building. Pastor Davis said incidental but it is not really incidental to the use. Ms. Czyz said yes, it is. Pastor Davis said to me, incidental means it supports a little bit of the full function, but this will be the full function of our church.

Chief Strazzo asked Pastor Davis what will be the use for the building that you currently occupy? Pastor Davis said that will be for our Sunday evening services and bible studies. Vice Chair Schigel said so your main service will be held in the new building. Pastor Davis said it will be a sanctuary. It is a gymnasium/sanctuary combination. Mr. Schigel said we want to do what is right and, in a R-1 District Conditionally Permitted Uses include churches and other buildings for the purpose of religious worship subject to Subsection 804-5. He said we want you to do it the right way if that is the main place that you are going to have services there. Chief Strazzo said it is also important to note though it is a gymnasium. They are putting it in as a gym, so there will be uses beyond the worship services in that area. He said there might be basketball games, possibly church functions beyond worship services, picnics, get-togethers, possibly parties and overnight things that may occur there with the different groups that function within a church. Chief Strazzo said also, there are classrooms and they are putting in some sort of kitchen. He said there was a clarification on the Building Department conformance notice as to whether that is a commercial kitchen or a residential type kitchen. He said the difference being if they are actually cooking food and not just warming it, they would be required to put in a fire suppression system and a hood system for a commercial application; not a warming of food residential application. Chief Strazzo said this

is an important thing to note, but the key to all of that to the fire department is that this is really a multi-purpose building – not just a place of worship. He said that will be a function of it, but there are many other functions. Mr. Wetterman asked if the gymnasium will be used for groups to pay and come in to use it. Pastor Davis said I don't see that happening at all.

Mr. Schigel asked with this kitchen if there will be a 220-line coming in or are you going to just run off the 120 when you are cooking? Pastor Davis said food is brought in from Giant Eagle. We are not cooking and serving chicken for 300 people. That's the way we've always done it. Mr. Wetterman said so it will be potluck. Pastor Davis said yes or people bringing something in.

Mr. Schigel asked Ms. Czyz on conditionally permitted uses for churches, is there a ratio or percentage that is required to be met for services compared to other activities? Ms. Czyz stated she did not know because she's never had a new church built in the township since she's been here. Chief Strazzo said as far as the fire codes are concerned, we just look at them as a place of assembly, whether it is a church or whether it's a basketball court – they are both places of assembly where people assemble. Chief Strazzo said the only church I could think of is the Bethel Church just up the road from this one and that was constructed since I've been here over the last seven years.

Ms. Barron referenced parking and said your site plan looks like you are reducing the number of parking spaces? Pastor Davis said no, we just put in about 60 more spaces on the south and the east side of the property. He said the stormwater and catch basins are all done so all it needs is to be paved and we are waiting until all the construction is over. Mr. Wetterman asked if there will be handicapped spaces. Pastor Davis said yes. We are working with a reputable architect and their fees are \$50,000, so all of these things will be addressed with the county. He said we want the building to be right so we are willing to do what we have to do. He said I think the accessory building is the issue. I emailed the zoning office back in November 2<sup>nd</sup> and asked about the accessory building that seems to be the main structure and 35 feet is the height of the main structure, so I think that is where the problem comes in. Pastor Davis said with regard to the kitchens and the sprinklers, we will do whatever the county requires to make it up to code. Ms. Czyz said I'm sorry but since day one, I advised Pastor Davis that the height limitation would be 15 feet to the peak. If it was a church, it could be 35 feet, no higher, to the peak. She said where the misunderstanding on his side came in, I don't know, but I was very clear about what I said and therefore it is in the supporting documentation that I put in everyone's application packet.

**Motion to Continue the Hearing for Southwest Baptist Church, 329 N. Carpenter Road**

**Moton:** Mr. Wetterman said at this time I would like to make a motion for a continuance until the time we get more information based on exactly what the use of this building is going to be and how all of these opinions and requests from the county are going to be handled. Pastor Davis said I can answer any questions regarding use. Chair Kersten said we have a motion on the floor. Mr. Schigel seconds the motion. **Roll Call Vote:** Mr. Schigel-yes; Mr. Lucien-yes; Ms. Barron-yes; Mr. Wetterman-yes; Mr. Kersten-yes.

Secretary Milanko stated the board did not set a specific date for the continuance, you said just until all the paperwork is submitted to the zoning office. Chair Kersten said our Chief wants more information and the county has required things. He said I feel the continuance is there and he will have to meet with the Chief and the county to provide us an updated package instead of the broad information we have now. Trustee Kusnerak stated since you've continued the hearing, you have to set a date and time and you also have to ask for public comment. Chair Kersten asked Chief Strazzo how long he thought it would take to get all of this taken care of. Chief Strazzo said according to the non-conformance letter, the applicant has 30 days to submit the appropriate documentation to the County Building Department. He said I would expect after that 30 days the county would probably need some time to review that information. He said at least 30 days at a minimum, but I think 60 days is probably a more realistic goal to allow for the county to review and make comment and then for the board to gather the additional information that is needed on the proposed structure. Vice Chair Schigel said that would

be about May 5<sup>th</sup> our regular meeting date. **Chair Kersten set the continuance date to May 5, 2021 at 7:00 p.m.** Pastor Davis asked if things are prepared earlier, can we do it at an earlier meeting? Trustee Kusnerak said you would have to schedule a special meeting hearing. Ms. Czyz asked if the applicant has to pay for a special meeting. Trustee Kusnerak stated yes, there is a \$500 cost. Chair Kersten stated May 5<sup>th</sup> is our regular meeting date and there would not be an extra charge for that date. Mr. Schigel asked when he would have to have everything submitted by if we considered the April 7<sup>th</sup> meeting date? Ms. Czyz said he would have to have everything submitted on March 3<sup>rd</sup> by noon. Trustee Kusnerak said they have set a continuance date and time for this hearing and let's say they agree they will hear it on April 7<sup>th</sup> but they do not have the documents or information that they are looking for come April 7<sup>th</sup>, the board can continue it again until the May 5<sup>th</sup> meeting. Ms. Czyz asked when does Pastor Davis have to have the paperwork submitted to me so I can submit it to the Board of Zoning Appeals? Trustee Kusnerak said as soon as possible. Ms. Czyz stated it needs a submission date. Trustee Kusnerak said if he can submit the documents no later than March 25<sup>th</sup>..... Ms. Czyz said Chief Strazzo said he has to submit to the county within 30 days and I imagine they would want at least five to ten working days to review. Chair Kersten said I am setting the date for May 5, 2021 and that should give him enough time.

Pastor Davis asked is this just a continuance on the height variance or is this regarding the use? Chair Kersten said this is a continuance to get everybody's questions answered and so forth before we can make a decision for you to go ahead and build. Pastor Davis said my fear is we will come back for the height variance and then we will have to redo it because of use. Ms. Czyz said that is a possibility. Mr. Wetterman agreed that is a strong possibility and that is why I asked for the continuance. Pastor Davis reiterated he emailed the zoning office and said it looks like 35 feet is the height of the main structure. He said it seems our new construction is more main structure than accessory. Ms. Czyz said no, it is an accessory structure. Mr. Wetterman said I'm sorry but that is not what is in our application. Ms. Czyz said Pastor Davis asked for an application and I sent him the application and I asked him what is going to be the height of your building and he said I don't know. She said when she sent the application, the height was left vacant so that he could fill it out. When he returned the application, it said 26 feet. She said at that point I told him you have to file for a variance. She stated again, an accessory building is an accessory to the main use. That accessory building, per the zoning code, in an R-1 District cannot be any higher than 15 feet to the peak, thus the reason for the variance. She said the main structure remains as the church. Pastor Davis said so the next meeting is for the height variance. Mr. Kersten said the next meeting will be for the height variance, but we still have all of these other concerns from the fire department and the building department and we can't give you approval to build if these items are not followed or resolved. Pastor Davis said I thought we were supposed to resolve these with the county. Mr. Kersten said you still have things you need to resolve with the Brunswick Hills Fire Department and their recommendation to this board was to not approve. Fire Prevention Officer Matt Payne said these items right now are out of our hands and they have to be resolved with the Medina County Building Department. Ms. Czyz stated and remember there is also a storm water issue and said she directed Pastor Davis to speak to Dan Wilhoite from Storm Water Management. Mr. Wilhoite sent a letter stating it has to go before the Board of Zoning Appeals as to whether you will allow it. She said all of those things have to be addressed to the full satisfaction to all of these parties. She said and the fire safety and safety of our residents is foremost.

Mr. Schigel agreed on the safety of the residents and asked if any of these conversations would even be necessary if the roof height was 15 feet? Ms. Czyz said probably not. Pastor Davis said as long as it is not classified as accessory. Ms. Czyz said if it had a common wall between the church and the building being attached, no. She said but since there is not a common wall and it is an accessory building, that's where the height limitation comes in. Pastor Davis said the disagreement is some believe accessory is just not attached. Chair Kersten said you keep saying this is only for the height, but we can't approve a height and say go build without the stuff being inside the building for the safety of the people and that is why we are giving you a continuance to get all of the safety features together with the fire department, the county, etc. Pastor Davis said so it won't be for pushing it for a different use? That's my fear, we will meet again and then you say you have to get a different use. Vice Chair Schigel said your concern is that it might have to be a conditionally permitted use because it is being held for



additional church activities. Ms. Czyz said and it could be. Mr. Wetterman said you have the option of refilling your application for that use. Mr. Schigel said we can't tell you what to do if that makes sense, but from the dialog we've all had, you have to read through and ask are we using it more for church activities and does it fall under that portion of the code.

**Public Comment:** None

-----  
**CASE # (2) Thomas Tesmer, 4632 Boston Road, Brunswick Hills, Ohio.** Area Variance for proposed 24x32 pole barn to be placed in front of the house. PPN#001-02A-03-008, current zoning R-1 Residential.

**1. Thomas Tesmer, 4632 Boston Road, (mailing zip code: Strongsville, OH, 44149) was sworn in.** Mr. Tesmer confirmed the size of the structure is 24x32 and said he purchased the lot in the early 1990's from a couple that bought the lot as a gift for their son and the bride to be did not like it. Mr. Tesmer said they made a clearing in the back where they were going to build a home, but when the bride didn't want it any more, they put it up for sale. Mr. Tesmer said I purchased the lot and built a log home in the back. He said since I bought the property, I always wanted a tractor and 28 years later I bought the tractor to do maintenance on the property. He said it comes with a lot of implements and equipment so I would like to store everything in the pole barn. He said I would like to store a UTV vehicle and other things, so the main purpose is storage and I would like to put it in the front of the house. He said the main neighbor to the west just built a 50x55 ft pole barn and mine would almost butt up to that property line. Mr. Tesmer said from where the pole barn will sit you can't see the road and from the road you can't see the house.

**Questions by the Board**

Mr. Wetterman asked if the neighbor he referenced is slightly in front of that pole barn? Mr. Tesmer said he actually has two adjoining lots. One has a home on it and the pole barn is on the lot right next door to that. He said his house is maybe 15-20 feet further north than where his pole barn sits. Mr. Wetterman said the house is slightly in front of the barn and our zoning regulations do require that the accessory building/barn be either next to or slightly behind the front of the house and that is the reason you are here.

Mr. Wetterman said I noticed you built the house in 1996 and was there a specific reason why you put it so far back on the property? Mr. Tesmer said yes, they had already cleared the area out before they sold it and we stayed with the same area for the log home rather than cutting down more trees. Mr. Wetterman said I understand your point, but you probably created your own problem yourself. Mr. Tesmer said 30 years ago I didn't think I would be building anything in addition to the home. Mr. Tesmer said if I were to try to put it behind my house, I have several oak trees that are 70-90 years old there. Mr. Wetterman said even if you cleared those trees you might not have enough area for your setbacks. Mr. Tesmer said the location in the front is not in sight of other homes. Mr. Kersten asked when he purchased the property. Mr. Tesmer said around 1992. Mr. Kersten asked if he was aware of the zoning restrictions at that time. Mr. Tesmer said no. I was not aware of it until I called Evelyn in the zoning office and I was not aware that the cupola on top would go over the 15 feet limit. Then when I explained where I wanted to put it that is why I am here today.

Mr. Kersten said so when you put this in, you will still be 500 feet from Boston Road. Mr. Tesmer said yes. Mr. Schigel asked if the drive up to it will be concrete or stone? Mr. Tesmer said right now I have a gravel driveway that is 650 feet and the last 100 feet to my house is concrete. He said I have some stone in the direction to where that pole barn will go and it will have a poured pad. He said you have to drive over a little creek that is about 550 feet from the road and then from the creek there is a little bit of gravel and then it goes to concrete. I was eventually thinking of filling that in with concrete and if I do that, I would make a path or drive going to the pole barn.

Fire Chief Strazzo said I didn't note your creek on your plot until you just mentioned it and asked Mr. Tesmer if he knew what that culvert was rated for as far as weight limits. Mr. Tesmer said I can't give you a specific weight, but I've had dump trucks with over 30 tons of stone over it. Chief Strazzo said my only concern would be if you are putting another building on there, what's the distance from the culvert to the barn itself? Mr. Tesmer said the culvert is probably 10 feet north of it and 30 feet west of it. Mr. Wetterman said that is about 300 feet back from the road. Mr. Tesmer said the culvert is 500 feet from the road and goes through the property on an angle. Fire Prevention Officer Matt Payne asked what size the culvert is and how many inches. Mr. Tesmer said it has two large four feet deep galvanized steel. Officer Payne asked how many inches of dirt or stone is on top. Mr. Tesmer said it was stone originally and when we built the house, we concreted it so there is a slab of concrete over the stone. Officer Payne asked how many inches? Mr. Tesmer said about eight inches of concrete and six to eight inches of stone under that. Chief Strazzo asked if the fire department can come out and look at the culvert. Mr. Tesmer said yes. Mr. Schigel asked Chief Strazzo what his thoughts are about getting a vehicle over that in case of a fire. Chief Strazzo said we need to make sure that culvert is capable of handling one of our engines and said I don't have that weight capacity with me here. He said we've talked with other people who have built with access roads and culverts and with his driveway being that long we want to make sure we can navigate that.

Ms. Czyz asked if the applicant applied for a permit or a permission letter from Storm Water Management to allow him to put in a concrete slab over a culvert? Mr. Tesmer said that was almost 30 years ago and whoever did my excavating probably took care of that at the time. Ms. Czyz stated that might not only be a problem for the fire department, but it might also be a problem for Medina County Storm Water Management. Ms. Czyz said my advice to the owner is to contact them to see if it was ok for them to do that.

Mr. Wetterman said I noticed on the tax map you have a beautiful attached garage, but it also shows a detached garage in front of the property. Mr. Tesmer said that's a shed there. Mr. Wetterman said yes, it mentions the shed but it also mentioned a detached garage, are you aware you are being taxed for that? Mr. Tesmer said it's a 12x16 shed and I have a chicken coop there. Mr. Wetterman asked if he has two accessory buildings in front of the house. Mr. Tesmer said there is one building that has the shed and then a chicken coop that is 4x6 feet in front of the house and I did build a little roof for them to run underneath it so they don't get wet when it rains. It has four posts and is maybe 12x8 feet. Mr. Wetterman said you may want to get in touch with the tax department because they are taxing you for a second detached garage.

Mr. Kersten stated we are concerned about the fire truck getting over the basin. Mr. Schigel said that situation was already there with or without this new building. Mr. Kersten said do we give him a variance to build this barn back there and what if we find out it can't hold a fire truck. Ms. Czyz said you would have to see if the ditch can hold that fire apparatus because heaven forbid if there was a fire the fire department would have to get back there. Mr. Tesmer asked what the length of the preconnected lines on the fire trucks are. Officer Payne said 200 feet. Mr. Tesmer said even if you did not cross that bridge you are still going to be within 50 feet the structure I plan on building. Mr. Kersten said what about the house? Mr. Tesmer said I can't move the house. Mr. Kersten expressed concern on the whether the culvert can hold the weight of the fire truck if they have to get back there. Ms. Czyz reminded the board that there is always the option that he can build the building behind the house. Mr. Lucien and Mr. Schigel said that doesn't change any issues with the culvert. Ms. Barron said you've got the house, then you've got the shed and you want to put this additional accessory building there; about how far is it from the shed? Mr. Tesmer said it is about 15 feet from the shed; the red square on your map is the proposed pole barn.

Mr. Schigel asked Chief Strazzo if you minus out the culvert issue, do you feel confident you can get a truck back there? Chief Strazzo said we are fine with it but we would like to visually look at that culvert to see if in fact we can get back there; but other than that, we fine with the proposed structure. Fire Prevention Office Payne said we would ask that you keep your trees trimmed to a 10-foot distance along the driveway. Mr.

Kersten said if we grant your variance tonight for the pole barn, do we have your assurance that you will let the fire department on your property to make sure this culvert is strong enough to support their equipment? Mr. Tesmer said yes. Officer Payne said we will come out and look at it. Ms. Czyz said can I get that in writing that the culvert can support a fire apparatus? Mr. Kersten said after it is inspected you can get that from Chief Strazzo. Mr. Kersten said my question is if we approve the variance tonight without this being inspected, will he make sure he has it inspected. He said we will put a condition in there on the motion that the culvert has to be okayed by Chief Strazzo. Mr. Kersten asked the Zoning Inspector if she is ok with that. Ms. Czyz stated I still prefer the option that the accessory building can be built to the back or side of the home. Vice Chair Schigel stated that is certainly one of his options. Mr. Lucien said that does not change the culvert issue. Ms. Czyz said I understand that and the culvert issue will be addressed by the fire department, but I'm addressing the variance at hand and he is asking to build the accessory building in front of the home and there is an option to build to the back or the side. Mr. Tesmer stated again about the trees and the septic system back there and also noted I don't have a driveway back there to access the building. Mr. Schigel asked if he would have to take any trees down in the area he proposes for the building. Mr. Tesmer said no because I started clearing out brush a while back in anticipating expanding my lawn.

**Public Comment:** None

**Review of the Duncan Factors**

- 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. Wetterman-yes; Ms. Barron-yes; Mr. Schigel-yes; Mr. Lucien-yes; Mr. Kersten-yes.
- B. Whether the variance is substantial.** Mr. Schigel-no; Mr. Wetterman-yes; Ms. Barron-no; Mr. Lucien-no; Mr. Kersten-no.
- 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.** Ms. Barron-no; Mr. Lucien-no; Mr. Wetterman-no; Mr. Schigel-no; Mr. Kersten-no.
- D. Whether the variance will adversely affect the delivery of governmental services.** Mr. Schigel-no; Mr. Lucien-no; Ms. Barron said I don't know because of the culvert fire issue, but I would lean to no. Mr. Wetterman-no; Mr. Kersten-no.
- E. Whether the property owner purchased the property with knowledge of the zoning restriction.** Mr. Kersten-no; Ms. Barron-no; Mr. Schigel-no; Mr. Lucien-no; Mr. Wetterman-no.
- F. Whether the property owner's predicament can be obviated through some method other than a variance.** Mr. Wetterman-yes; Ms. Barron-yes; Mr. Schigel-yes; Mr. Lucien-no; Mr. Kersten-yes.
- 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. Wetterman-yes Ms. Barron-yes; Mr. Lucien-yes; 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. Lucien-no; Mr. Schigel-no; Mr. Wetterman-no; Ms. Barron-yes; Mr. Kersten-no.

**Motion to Approve 4632 Boston Road Variance Request**

**Motion:** Mr. Schigel made a motion to approve the 24x32 foot pole barn at 4632 Boston Road, Brunswick Hills, Ohio with the condition that the Fire Chief approves the culvert. Mr. Kersten seconds.



**Discussion on the motion:** Mr. Lucien said wouldn't that have to happen before you approve it? Mr. Lucien said if you put a condition on it, that has to happen before anything else happens. Mr. Kersten said yes before anything can be built. Mr. Lucien said then we are not approving anything, because we don't have that step done. Mr. Kersten said if we grant the variance, he cannot start anything until he meets the condition of the variance. Mr. Lucien said the thing about this culvert is it's been there for years and that house has been there for years. If he never came before us, all of these problems would still exist and I don't know how you resolve that. Mr. Kersten said the chief is concerned about the fire trucks going over that culvert. Mr. Lucien said I understand that, but what I'm saying is the man has a house even further back on the property and so the culvert is a non-sequitur; it's a problem no matter what happens. Vice Chair Schigel said if there is a fire at the house the fire department has to go there no matter what. Mr. Lucien said we cannot include his house in the variance. Chief Strazzo said we don't have to ensure that the culvert will hold the fire truck at this time, we need to look at it and see what the relevant distance is to where we can have access and to where the proposed structure is to make sure it is within reach of our apparatus whether it is prior to the culvert or goes over the culvert.

**RESTATED MOTION TO APPROVE 4632 BOSTON ROAD VARIANCE REQUEST**

**Motion:** Mr. Schigel made a motion to approve the pole barn 24x32 feet at 4632 Boston Road, Brunswick Hills, Ohio. Mr. Wetterman seconds the motion. **Roll Call Vote:** Mr. Wetterman-no; Ms. Barron-yes; Mr. Schigel-yes; Mr. Lucien-yes; Mr. Kersten-yes. Variance granted by majority vote 4-1.

Chair Kersten stated to the applicant he cannot start construction until 30 days after the decision because the decision can be appealed within 30 days at the Medina County Court of Common Pleas.

**Announcement of Next Meeting Date:** Wednesday, March 3, 2021 @ 7 p.m.

**Motion to Adjourn the Meeting:** Mr. Kersten made a motion to adjourn. Mr. Schigel seconds the motion. **Roll Call:** All in favor to adjourn. Meeting officially adjourned at 8:34 p.m.

Respectfully Submitted,

Mary Jean Milanko, Secretary

---

Board of Zoning Appeals

Date