

**Brunswick Hills Township Zoning Commission
Regular Meeting Minutes
March 4, 2021**

CALL REGULAR MEETING TO ORDER

Chair Wetterman called the Brunswick Hills Township Zoning Commission regular meeting to order at 7:04 p.m. following the Organizational Meeting. A roll call of the board was executed.

- **Board Members in Attendance:** Trica Murphy (Virtual), Patti Wetterman, Ed Kelly, Sy Mougrabi
- **Alternate Board Members in Attendance:** Dean Collura, Barb Porter
- **Board Members Not in Attendance:** Robert Norton (Excused Absence)
- **Others in Attendance:** Evelyn Czyz, Zoning Inspector, Trustee Kusnerak, Mary Jean Milanko, Zoning Secretary

Mr. Porter was seated to represent a full board.

APPROVAL OF THE MINUTES

1. Approval of the ZC February 4, 2021 Organizational Meeting Minutes – Tabled to April

2. Approval of the ZC February 4, 2021 Regular Meeting Minutes

Mrs. Porter referenced page 3, first paragraph, second sentence: “however, three are a few more steps involved.” Corrected to “however, **there** are a few more steps involved”. **Motion:** Mrs. Porter made a motion to approve the February 4, 2021 meeting minutes of the Brunswick Hills Township Zoning Commission as amended. Mrs. Murphy seconds the motion. **Roll Call:** Mr. Kelly-yes; Mr. Mougrabi-abstain; Mrs. Wetterman-yes; Mrs. Murphy-yes; Mrs. Porter-yes.

OLD BUSINESS/ CONTINUED BUSINESS

1. Review of Zoning Resolution

- A. Sec. 1108 Decisions by Board of Trustees vs. ORC 519.12 (H): Trustee decisions, “majority” vs. “unanimous” vote. - TABLE**

Chair Wetterman stated we are waiting for more legal information on this and suggested the board table it. Ms. Czyz said she thought this would be a great question to ask when we have our zoning training session. Mrs. Wetterman said I think that was submitted. **Motion to Table:** Mrs. Porter made a motion to table Sec. 1108 Decisions by the Board of Trustees vs. ORC until the next meeting. Mr. Mougrabi seconds. **Roll Call:** Mrs. Porter-yes; Mr. Kelly-yes; Mrs. Murphy-yes; Mr. Mougrabi-yes; Mrs. Wetterman-yes.

B. Article VIII Conditional Zoning Certificates; Sec. 802-1 Submission and Sec.1003-1 Applications

- Discussion on a needing complete application(s) before going forward. – TABLE

Chair Wetterman stated this is on the agenda because we ran into some incomplete applications and this should probably be tabled until we can get more legal information on that. Trustee Kusnerak asked if the Zoning Commission sees the Conditional Zoning Certificate requests? Mrs. Wetterman said no we do not see those requests, but it was in regard to some other requests that we did not receive some information on a case that the ZC handled. Mrs. Wetterman said it should be tabled for now. Trustee Kusnerak said maybe that is another question for the training session. Mrs. Wetterman said this is with receiving the information, copies and the maps and things like that. Ms. Czyz said that Conditionals are totally handled by the Board of Zoning Appeals and they have not indicated to me at all that this has to be straightened out, so you can you expand on this? Mrs. Wetterman said it is about getting complete applications and not necessarily for Conditional Zoning Certificates as that was just used as an example. She said we were missing some letters on a case that was before the Zoning Commission and when it went to the BZA, they were missing the same

information. Mrs. Wetterman said we also had a case where we were missing information from the James Brother's project; a letter that did not come in and this whole section was a discussion on getting complete applications whether they are variances, conditional or whatever. Mrs. Wetterman said it just so happened that it came up again under Conditional Zoning Certificates and that's why it is listed on the agenda. Trustee Kusnerak said so whatever the outcome is once we get the training, that is something this board might want to look at in the zoning code to make any changes if you see it is necessary. Ms. Czyz said and you need to remember, I can only take and present what is given to me, I cannot make an applicant give me anymore and then it's the board's decision to accept or not accept the application. Mrs. Wetterman said we will table this until we get legal input and training on this.

Mr. Mougrabi asked the Zoning Inspector if we have guidelines to give the applicants so they provide us the information? Ms. Czyz said remember, this board does not see any variances or conditionals or anything like that and there are guidelines for the Board of Zoning Appeals that they need to supply certain things. She said unlike this board, with a site plan there are things in the code regarding site plans that they (applicant's) have to follow as well and submit. Secretary Milanko confirmed and said there are sections in the Zoning Resolution for applications, etc. that specifically spells out what is required to be submitted with the application. Ms. Czyz referenced the section in the book (pages 109-110) about Site Plans and said there is information about the site plans, the site criteria and everything else that is listed right there. Mr. Mougrabi asked why we are tabling it if it is already here? Mrs. Wetterman said we have to have a discussion from the board how they want to handle something if we have questions or if we want to postpone it until we get all of the information requested. Mrs. Wetterman said there happened to be a letter that was required and the applicants changed the name on their development (Wexford) and they took in a partner and it caused confusion because they never submitted the letter and we had to trace down the resulting letter. She said they had changed a company for conservation and we are going to have to make a decision on how to handle that. She said do we say we need this information before we approve it, etc. Mr. Mougrabi said so if they change companies or they change anything, I think that whole application is void and they need to start over, right? Mrs. Wetterman said that is part of the question and it is a very good question. She said this developer took in a partner and changed the gist of the whole application which was a lesson learned from last year. Mrs. Wetterman said so that's why I would like to table this and have training and more discussion on this. Mr. Mougrabi said so what do we do in the meantime if this happens again? Can we put something in place now to protect the township temporarily or do we have to wait until training?

Mrs. Wetterman asked for board discussion because it might come up again. Mr. Collura said that might be a question to ask the Prosecutor's Office to find out because they are the ones who are going to tell you if you can do it or not. He said meaning, if somebody does change it, do you just void their application until the proper paperwork comes in? He said I think the Prosecutor's Office can answer that prior to the training. Mrs. Wetterman said I have not been able to check with Mr. Richter on this, but one of the things we could do is to be able to say we do not have this information, can we recommend that it be tabled, which would be proper until they have the correct information in. Mrs. Wetterman said because we make recommendations to the Trustees and when we motion to pass it on, that can be included in the recommendations. Mr. Collura said I can see that being a big issue if you are in the middle of the construction season and somebody is in the middle of building a project and then makes a change. What do you do, tell them to stop work until the proper information comes in? Mrs. Wetterman said that is what we are trying to avoid and they need to know this letter is required for the area you want to build in and it didn't come in. She said we were told we would get it when it passed, but we didn't get it till the end and they had already started construction. She said we asked for it when we passed the recommendation and it never came in, so it would be avoiding a situation like that.

Mrs. Wetterman asked the board if we should table this or take it off the books. Mr. Mougrabi said if I'm reading this correctly, Sec. 904-4 Zoning Commission Action, doesn't that clarify this? He said if it is not all there, you have the opportunity to not approve it then. He said if it is not all there because they are making changes, then just deny and say why and tell them to go back and get us the correct information. Mr. Mougrabi says it's right there.

Sec. 904-4 Zoning Commission Action

The Zoning Commission shall act upon an application for site development plan approval within forty-five (45) days of the date the site development plan is first heard by the Commission unless such time is extended with the consent of the applicant. The Zoning Commission may either approve the site development plan as submitted, deny the application, or approve the site plan with specified conditions or modifications.

Mr. Mougrabi said so if there are changes, we will do what we've done before and make them come back or even if they already started, you can make them stop. He asked if he was interpreting this correctly. Mrs. Porter said we don't approve or disapprove; we recommend for approval or disapproval so we might want to add "recommend" in there. She said recommend to approve the site plan, deny the site plan application or approve with conditions or modifications. Mrs. Wetterman said that would cover the problem and asked if that has to go to the Trustees. Mr. Mougrabi said I don't understand why it would go to the Trustees when it is already in the book and said we have the authority to vote on this so why would it go to the Trustees? Trustee Kusnerak said because this board is a recommendation board and the purpose is for the board to recommend after you have done the research, questioning with the applicants, etc. then the procedure is that you recommend whatever you recommend to us and then we have the final say. Trustee Kusnerak said so I'm reading this and the last line: *The Zoning Commission may either approve the site development plan as submitted, deny the application, or approve the site plan with specified conditions or modifications.* So, in the one case, Wexford Subdivision, as Mrs. Wetterman referenced, there were some things happening with that. She said this board recommended approval pending the Trustees receive these two documents. Trustee Kusnerak said it took a long time to receive those two documents and in the meantime, they've already started their construction, not putting in the homes but putting in the streets and things and apparently that is fine for them to do that. She said as a township, if we did not receive those two documents, the Board of Trustees cannot sign off on the final plat, so they would be dead in their tracks so to speak without receiving those documents. Mr. Mougrabi said so they have the right to start it. Trustee Kusnerak said they can start to develop the property. Mr. Mougrabi asked if we can put a timeline on those two documents? Ms. Czyz said when it goes to the Trustees, they can put a timeline on it and they can start putting in some of the infrastructure, but they cannot start building on that land. She said so if they have their streets and utilities in, if they can't start building then they are not getting any revenue.

Chair Wetterman stated we don't have to table this topic as the board is clear on what we can do and asked for further comment. The board discussed 904-4 Zoning Commission Action to change the wording from *The Zoning Commission may either approve the site development plan as submitted, deny the application, or approve with specified conditions or modifications* to: *The Zoning Commission may either **recommend** to approve the site development plan as submitted, deny the application, or approve with specified conditions or modifications.*

Ms. Czyz noted a change in 904-5 regarding "the approved site development plan" to remove the word approved and put in recommended.

Sec. 904-5 Conformance Required

Developments shall conform in all respects to the ~~approved~~ **recommended** site development plan. No building or premises shall be occupied or used except in conformance with the approved site development plan and this Zoning Resolution. The Zoning Inspector may make such periodic inspections during construction of the project as may be necessary and appropriate to determine continued compliance with the approved site development plan and Zoning Resolution.

Mrs. Wetterman called for a motion for 904-4 and 904-5 to change where it says approve, to change it to "recommend" in those sections. **Motion:** Mr. Mougrabi made a motion on changing Sec. 904-4 and 904-5

with the words “approved” to **recommend**. Mr. Kelly seconds the motion. **Roll Call:** Mr. Kelly-yes; Mrs. Murphy-yes; Mr. Mougrabi-yes; Mrs. Porter-yes; Mrs. Wetterman-yes.

Mr. Collura referred back to Sec. 904-5 Conformance Required and said I know we just changed everything to recommended instead of approved, but the very last sentence talks about the Zoning Inspector making periodic inspections during construction and read the sentence. He said in that case don’t you want the site plan to be the approved version? Ms. Czyz said absolutely, yes. Mr. Collura said that is one place you don’t want to change it, but leave it just the way it is:

The Zoning Inspector may make such periodic inspections during construction of the project as may be necessary and appropriate to determine continued compliance with the approved site development plan and Zoning Resolution.

- **Sec. 1003-1 Discussion on applications – one application per appeal or request.**
 - (Example: One application & fee submitted requesting global use variances or area variances on 30+ parcels/lots). - TABLE
- **Sec. 802-1 (B.), Article VIII – Conditional Zoning Certificates: 15 printed copies of site plan.** What sections require 15 printed copies and an electronic copy. - TABLE

NEW BUSINESS:

1. Schedule Public Hearing for 4575 Laurel Road Zoning Map Amendment

Chair Wetterman stated everyone received the Zoning Map Amendment application, but we have not received anything from the Planning Commission. Ms. Czyz said the Planning Commission will hear that on April 7th. She said the first Thursday in April is April 1st and I would strongly suggest that the Zoning Commission change their meeting date to April 8th, not only to hear the Map Amendment, but anything coming for the board would be coming in on April 7th, the first Wednesday of the month. Ms. Czyz said if the Planning Commission has their meeting on April 7th, we will get their recommendation on April 8th for the Map Amendment change. Chair Wetterman called for discussion on moving the meeting date from April 1st to April 8th. Mr. Mougrabi said it make sense. Mr. Kelly had no objection to changing it. Mr. Collura said it already shows our next meeting date on tonight’s agenda is April 8th so I think we are good. Mrs. Wetterman said we are talking about changing the meeting from April 1st in case something comes in, but we don’t know if anything will come in. Ms. Czyz said you won’t get the Planning Commission recommendation until April 8th. Mrs. Porter said I believe, according to our timeline, we would have to schedule a public hearing for April 8th. She said we may have to continue it if we don’t get the information from Planning, but I believe we have to schedule the public hearing. Secretary Milanko confirmed the board has to schedule a public hearing for this case. Trustee Kusnerak stated that would be considered a special hearing because you’ve already set your meeting dates for the year so you would need to make note and a motion that April 1st is cancelled and rescheduled for April 8th.

Motion: Mrs. Murphy made a motion to Change April 1st Meeting to April 8th with public notice to accommodate a hearing on the Map Amendment for 4575 Laurel Road. Mrs. Porter seconds the motion.

Roll Call: Mr. Porter-yes; Mrs. Murphy-yes; Mr. Kelly-yes; Mr. Mougrabi-yes; Mrs. Wetterman-yes.

2. Discussion and review of proposed new submission filing guidelines for Zoning Map Amendments to coincide with Medina County Planning Commission submission deadlines

Ms. Czyz distributed a revised Map Amendment schedule of submission deadlines and meeting dates (Attachment 1) and said these meeting dates will be for Map Amendments only. She noted that statement at the bottom of the page which says: “*Filing Deadline will be the last Wednesday of the month at noon, to meet the Planning Services deadline of the first Monday of the Month”.*

Ms. Czyz stated that I have to rearrange my schedule as to when I will take Map Amendments. She said because of the way some of the

meetings fall, I have recommended changing several of the Zoning Commission meeting dates to meet the day after the Planning Commission meeting date (i.e., change April 1 to April 8; July 1 to July 8; September 2 to September 9). Ms. Czyz stated these changes would become effectively immediately.

Chair Wetterman said so we would have to change our public meetings right now is what you are saying? Ms. Czyz said that is what I am recommending. Secretary Milanko asked if we have to change all of the meeting dates right now, even though we don't know if we will get a Map Amendment request? Ms. Czyz stated I won't know until that Wednesday before. Chair Wetterman asked how many Map Amendments have we actually received? Ms. Czyz said we don't get very many of them. Chair Wetterman said we may have had four over the last couple of years. Secretary Milanko stated we had Wexford on West 130th Street, Terry Properties and the house on the corner of Rt. 303 and Substation Road. Mrs. Wetterman asked if we did get a Map Amendment, can we have a special meeting to handle that rather than changing our dates? Trustee Kusnerak said you could.

Discussion by the Board:

Mr. Mougrabi asked if the original meeting dates are set in stone. Mrs. Wetterman said yes. Mr. Mougrabi said so they have already been posted and everyone knows the dates? Secretary Milanko stated the board set the dates at their Organizational Meeting to keep the Zoning Commission meetings on the first Thursday of the month at 7:00 p.m. Mr. Mougrabi said and the Zoning Inspector is recommending to change some of the dates incase we get a Map Amendment? Mr. Collura said my thought is since it doesn't happen that often, I recommend staying with the first Thursday of the month and then if we need to call a special meeting we can. He said Evelyn will know that by her filing date and it would still give us a couple weeks if we had to change a date because of a Map Amendment. Mrs. Porter said she agreed with Mr. Collura. She referenced the handout about the September and said the Planning Commission meets September 1st and we are changing our meeting date to September 9th and said I was wondering why were pushing it ahead another week. Ms. Czyz said Mrs. Porter is correct, the meeting date should be September 2nd. Mrs. Porter said I agree with Mr. Collura to keep our regular meeting dates of the first Thursday of the month and then change the ones we may need to if something is submitted. Secretary Milanko noted that public notices must be made at least 10 days before the public hearing meeting. Mr. Collura said if Evelyn gets it by the filing deadline, that is basically a month ahead of our meeting date so there should be time to make an adjustment. Mrs. Murphy said she would like to change the dates for those two months, April and July. Secretary Milanko stated the board made a motion tonight to the April date. Mr. Kelly said he is fine with whatever the meetings dates will be.

Motion to Change the ZC July Meeting Date: Mr. Mougrabi made a motion to change the July 1, 2021 meeting date to July 8th at 7:00 p.m. Mrs. Murphy seconds. **Roll Call:** Mrs. Murphy-yes; Mrs. Porter-yes; Mr. Kelly-yes; Mr. Mougrabi-yes; Mrs. Wetterman-yes.

Chair Wetterman said I would like to have an explanation on the procedure for how things progress when it comes to our board and then the Planning Commission. Ms. Czyz said I get the application, I give it to Mrs. Milanko, Mrs. Milanko then sends it to the Planning Commission, the Planning Commission has a public hearing on it and they send us their recommendation and then it comes to the Zoning Commission. Secretary Milanko said and then the Zoning Commission has a public hearing on it and sends their recommendation to the Board of Trustees who make the final decision. Secretary Milanko stated the procedures can be found in the Ohio Revised Code Sec. 519.12 Zoning Amendments. Trustee Kusnerak noted that when the Planning Commission receives the information, they send it to all of the necessary county agencies to get their input before they have their hearing and then when the Zoning Commission receives their recommendation, you will see all of those comments. Mrs. Wetterman asked if the Zoning Commission provides any input to the Planning Commission or is that strictly county agencies? Secretary Milanko and Ms. Czyz stated in the past, the township did receive the Planning Commission agenda and a comment form. Trustee Kusnerak said an in the past, anyone could attend their meeting because it is a public meeting. They are doing the meetings by Zoom now but it is still a public meeting. Ms. Czyz said when I was at a recent Planning meeting, it was very limited and they were very strict about who could attend in person. Trustee Kusnerak said correct but if there is something that someone has a concern about, you can notify them that you would like to be there

to comment and they will schedule you for that. Secretary Milanko said they could also fill out a comment form. Ms. Czyz said yes, and it would then go to me or the Trustees to submit to Planning. Trustee Kusnerak stated there are a number of townships in Medina County that have their Zoning Inspector or the Chair of the Zoning Commission attend those meetings. End of discussion.

ADDITIONAL BUSINESS: None

PUBLIC COMMENT

1. Ron Wetterman, 1085 Substation Road, Brunswick Hills said as a member of your Board of Zoning Appeals, I ran into a little confusion the other day on a code in our Zoning book and referred the board to Sec. 809-4 in the Zoning Resolution.

Sec. 804-9 Self Storage Buildings

1. Storage shall be limited to household and commercial use only. Storage of toxic or explosive materials as well as industrial materials shall be prohibited.
2. The minimum lot size shall be two (2) acres and the maximum lot size shall be (3) acres.
3. Maximum structure size shall be 5,000 square feet and the maximum size of any individual storage unit shall be 600 square feet.
4. A minimum of four (4) parking spaces shall be provided for the leasing office. Parking turnoffs shall be provided from interior drives.
5. No door openings shall face a residentially zoned areas, provided however, that building may serve as visual barriers.
6. Master key shall be provided for fire department inspections.

Mr. Wetterman said this section is for self-storage buildings and said this refers to the size of the buildings allowed and size of each individual unit of a storage unit within that building. He said 5,000 square feet is the size of the building that is allowed and we allow two (2) acres minimum and three (3) acres maximum. Mr. Wetterman said we are not math wizards and to figure out how many buildings they are allowed for two acres seems a little hard for us on the board. He said is there any possible way we can come up with some math figures that might make it a little clearer for us. He said keep in mind, you have to allow for room between buildings, roadways to get in between buildings, setbacks and all of that stuff that is necessary.

Mr. Mougrabi said so you are asking about the 5,000 square feet and the maximum size of individual storage and the maximum size of 600 square feet and depending on the size, what they can put on the two or three acres? Mr. Wetterman said how many units, how many storage buildings can they put up per acre? Ms. Czyz said the simplest way I would do it is there 43,560 square feet in an acre, and lets just go with the two acres, two acres 87,120 square feet; each building can be up to 5,000 square feet, you divide the 5,000 into the 87,120 and it gives you 17.42 buildings; so, 17 buildings. Ms. Czyz said you have to subtract some of the infrastructure from that. She said so let's say you can get 15 buildings out of that and that's allowing for the infrastructure, the parking, the pavement, etc. Mr. Mougrabi said thank you. Secretary Milanko asked if each of the 15 buildings are a maximum of 5,000 square feet. Ms. Czyz said yes, 5,000 for each building. Mrs. Wetterman asked if everyone is clear on that. Mr. Mougrabi said yes, now that Evelyn explained it by acreage. Ms. Czyz said and if you have three acres, it's about 26 buildings. Secretary Milanko referenced #2. The minimum lot size shall be two (2) acres and the maximum lot size shall be (3) acres and asked if they have 6.8 acres, can they only build on a maximum of three acres? Ms. Czyz said three acres. She said they could split it for two three acres and go six acres without a variance. She said being very generous for this one with 17 buildings, you could say take away two of those buildings and that is just rounding it off. Mrs. Wetterman said so we should leave the language the way it is in that section and asked the board for comments. Mrs. Murphy said I have no comments on that. No further comments.

ANNOUNCEMENT OF NEXT MEETING DATE: **Thursday, April 8, 2021 at 7:00 p.m.** 4575 Laurel Road Map Amendment.

MOTION TO ADJOURN: Mr. Mougrabi made a motion to adjourn. Mr. Kelly seconds. **Roll Call:** All in favor. Meeting officially adjourned at 8:12 p.m.

Respectfully Submitted,

Mary Jean Milanko, Zoning Secretary

Patricia Wetterman, Chair

Date