

**Brunswick Hills Township Board of Zoning Appeals  
Public Hearing Meeting Minutes  
Township Hall  
July 7, 2021**

**Call Meeting to Order**

Chair Kersten called the Brunswick Hills Township Board of Zoning Appeals Public Hearing Meeting for July 7, 2021 to order at 7:00 p.m. A roll call of the board was executed.

- **Board Members in Attendance:** Cliff Kersten (Chair), Ron Wetterman, Ann Barron
- **Board Members Not in Attendance:** Chris Schigel (Vice Chair, Excused Absence)
- **Alternate Board Members Not in Attendance:** Daryl Lucien (Excused Absence)
- **Others in Attendance:** Trustee Christina Kusnerak, Evelyn Czyz, Zoning Inspector, Fire Chief Anthony Strazzo, Mary Jean Milanko, Secretary.

Chair Kersten stated we have a quorum of three (3) board members present tonight and no alternates and asked the applicant(s) to please stand. Mr. Kersten said due to the fact we do not have a full board, you have the option to ask for a continuance until we do have a full board, or we can hear your case tonight and the three of us will make a decision. Applicants John and Cindy Phillips requested to be heard tonight.

Mr. Kersten stated the Brunswick Hills Township Board of Zoning Appeals acts within the regulations of Sec. 519 of the Ohio Revised Code. Mr. Kersten asked all audience members to remain seated until asked to speak and to direct all comments to the board.

**Approval of the June 2, 2021 Public Hearing Minutes:** **Motion:** Mr. Wetterman made a motion to accept the minutes as written. Ms. Barron seconds. **Roll Call:** Ms. Barron-yes; Mr. Wetterman-yes; Mr. Kersten-yes.

**NEW BUSINESS: Public Hearing**

(1) **John & Cindy Phillips, 4540 Sunset Cove Drive, Brunswick Hills,** variance request from the 100' setback to 75' due to wetland to construct a new home. PP#001-02C-22-049, Current Zoning RR.

Mr. Kersten swore in Evelyn Czyz, Zoning Inspector

**TESTIMONY & EVIDENCE**

**1. John and Cindy Phillips, 3145 Sawmill CT, Brunswick, OH were sworn in.** Mr. Phillips referenced the 100-foot setback requirement and said in accordance with the Lot Improvement Plan, the house was designed with the limited footage sideways because of a ditch that goes through and bisects the property. He said we have to do a courtyard type house which has the garage going out toward the street and it pushes everything back further. He said based on the plan, as you can see, it is a very limited backyard with the 100-foot setback. He said there are wetlands and the ditch back there, so we can't go back any farther. He said we are also trying to save some of the trees back there and so we are requesting to move the house up 25 feet so we can have a better back yard for the kids and the dog.

**Questions by the Board**

Mr. Kersten asked if this variance would put their home in front of the other homes on either side of them. Mr. Phillips said as you are facing the house on the right, it will just a little bit because the street bows back and plus, they are 100 feet back, so yes, it will be slightly in front. Mr. Phillips said the one on the left side, since it bows out in the cul-de-sac, it will be a little in front of that one. He said even if our setback was 100 feet, it would still be in front of that house into the cul-de-sac.

Mr. Wetterman said you mentioned this was the only property you could find in Brunswick Hills? Mr. Phillips said with the size lot we wanted; we wanted something with a little bit more property. Mr. Wetterman asked, in that particular subdivision or in all of Brunswick Hills? Mr. Phillips said not all in Brunswick Hills, but we wanted to stay in the Brunswick Schools and this property is in the school district, so it was a limited search. Mr. Wetterman referenced the creek and the area behind the house and asked how much of it can be used or crossed or how much of it is a do not touch area? Mr. Phillips said I think the ditch would be able to be filled in with a French drain or some type of piping if needed, so we might be able to go over it a little bit. Mr. Phillips referenced the two pages of topo in the application Lot Improvement Plan. Mr. Wetterman said it refers to those as riparian areas.

Mr. Wetterman asked if their plans are already set in stone. Mr. Phillips said yes and we have a final meeting with the engineer and then with the structural engineer. Mr. Wetterman asked if it was possible to push the garage back a little bit on the property. Mr. Phillips said we thought about that but unfortunately there is only about 96 feet width-wise that we can use so with the size of the house we can't fit a garage to the right of the house. It will be L-shaped, but we can't push the garage back because of how the house is designed; it has to be a courtyard. Mr. Wetterman asked if the living quarters are behind it. Mr. Phillips said yes.

Ms. Barron asked when you found this lot, were you aware of the back and there was a creek and wetlands there? Mr. Phillips said yes. Ms. Barron said so you bought it knowing that? Mr. Phillips said yes. Ms. Barron asked they were aware of what kind of challenges that would present? Mr. Phillips said yes. We were kind of under the gun with the number of people inquiring about the property so we pulled the trigger and put faith into it. Mr. Phillips said there is a clause that we can sell the property back to the builder if we can't get the variance, but there would be a significant loss. He said the variance is about the wetlands and clearing the trees. We liked this lot because there is no vision of the neighbors and we are trying to save as many of the trees as we can. Mr. Wetterman asked about the health of the trees and if they noticed if any of them were dying. Mr. Phillips said there was one dead tree that fell over all the way in the back of the yard, but a lot of the trees seem to be newer so there is growth capability there. Mr. Kersten said he checked out the lot and over the years, we have granted variances throughout the development so people could build their home, so I understand where you are coming from.

Ms. Czyz stated some of my concerns with the property is that there are a lot of wetlands to the rear and to the side and front of the home. She said there is also a stream that goes through there and unfortunately the Phillips have no other choice as to where to place this house other than where it is placed. She said to have the garage to the front of the home is normal and with the curvature of the road, the homes in that development are not inline. Ms. Czyz said when you are building that type of home, you don't want everything to be in a straight line. She said unfortunately the Phillips will be faced with some topography issues and whether they build there, or whoever builds there, they will be coming back before this board, so I applaud them for wanting to build on that lot. Mr. Wetterman asked the Zoning Inspector if there was any way he could get around the riparian area in the back to make use of a backyard. Ms. Czyz said he can cross it but then he is faced with a stream bed and if the county clears that area so he can cross it, that stream bed doesn't go away and they can encounter wetlands, so they are back at square one. She said even when you think you have the perfect property, the county could come in and say you can't do it there, so they are at the mercy of the county and have gone through all of the steps they need to do.

### **Public Comment/Testimony**

**1. Eileen Rootlieb, 4529 Sunset Cove Drive, Brunswick Hills was sworn in.** Mrs. Rootlieb stated she is the neighbor directly across the street and we've been there eight years. She said we've been looking at that piece of property and actually hoped that someone would build on it as it would be nice to finish out the cul-de-sac with a home. She said it is very dark down there at night and all of the homes are beautiful. She said our home was already built when we purchased it so we are the second owners, but we had understood there was a 100-foot setback for all of the homes in that area. Mrs. Rootlieb said the neighbors to the left asked for a 75-foot variance also and we were at that meeting. She said because of the aesthetics

and the value of the homes, we were concerned about what type of home they would build there because it looks like it is pretty close to the street, but when they built that house, it was beautiful and everything was fine. She said their garage was the part of the house that sat up the closest. Mrs. Rootlieb said when we look at this lot, it doesn't look like it is that big. We sit up very high and we are far back, so we are concerned about the type of home that will be going up and consideration of the values of the rest of the other homes. She said we do not live in a homeowner's association and we are a bit concerned because we did not get to see the plans, but they don't want someone to just build on it because it is the last lot in the development. She said I've listened to the challenges, and commend them for wanting to build there. She said their house will be sitting closer to the street than the neighbors on either side, and we will be looking out at this home every day. She said we are trying to imagine what size house could be built there because it looks like it completely drops off in the back.

Mrs. Rootlieb said they are asking for a 75-foot setback so as you are making this decision, is that the garage that's 75 feet, or is it the house? Mr. Wetterman said it is the garage. Mrs. Rootlieb asked if the house will sit parallel to that or further back from the garage? Mr. Wetterman said the house is further back from the garage. She asked if the house is L-shaped? Mr. Wetterman said yes. She asked if the garage will set 75 feet minimum or ahead of 75 feet? Mr. Wetterman said 75 feet. Mrs. Rootlieb asked how many square feet it will be. Mr. Phillips said almost 7,000 square feet. Mrs. Rootlieb said wow, that's wonderful and we would like to see a home built on that lot. She stated we had a concern so that is why I came to the meeting and I appreciate the board and the interest you take in these properties in the development on the whole. She said to the applicants, it is an expensive process to build a home and we are not trying to rain on your parade. She said if you are building a 7,000 square foot home, I'm sure you are doing everything to make it as nice as possible. Ms. Czyz said to Mrs. Rootlieb, the size of the lot is 2.193 acres, so it is not a postage stamp sized lot. She said from the one side of the driveway to the one property line is 72.64 feet and on the other side it is 114.93 feet to the other property line, so you're talking quite a distance from the property lines to his driveway from the neighbors, plus what the neighbors have. Mrs. Rootlieb said we were told it is a 100-foot setback for the properties in the development. Ms. Czyz said there are a lot of homes there that have applied for and received a variance because of the topography of that land and the riparian areas. End of public comment.

**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-no; Mr. Kersten-no.
  
- B. Whether the variance is substantial.** All board members said 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.** All board members said no.
  
- D. Whether the variance will adversely affect the delivery of governmental services.** All board member said no.
  
- E. Whether the property owner purchased the property with knowledge of the zoning restriction.** All board members said yes.
  
- F. Whether the property owner's predicament can be obviated through some method other than a variance.** All board members said no.
  
- G. Whether the spirit and intent of this Zoning Resolution will be observed and substantial justice done by granting the variance.** All board members said 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.** All board members said yes.

**Motion to Approve the Variance Request for 4540 Sunset Cove Drive**

**Motion:** Mr. Wetterman made a motion to accept Zoning Receipt 2021-089 to approve for 4540 Sunset Cove Drive, PP#001-02C-22-049. Ms. Barron seconds. **Roll Call:** Ms. Barron-yes; Mr. Wetterman-yes; Mr. Kersten-yes.

Mr. Kersten stated your variance is granted and a decision letter will be signed at the August meeting and sent to you by Certified Mail. He said if anyone has an objection to this decision, they have 30 days to file an appeal in the Medina County Court of Common Pleas.

**CONTINUED BUSINESS: 1595 Substation Road Self-Storage Units Continued Hearing from June, 2, 2021**

**(1) 1595 Substation Road: Anthony R. Vacanti, Esq, 950 Main Avenue, Suite 1100, Cleveland, OH 44113 Counsel for owner Turnberry Partners,** Conditional Use Zoning for property located at 1595 Substation Road, Brunswick Hills, OH 44212, PP# 001-02C-05-028, Current Zoning I-1 Industrial, for approval of a self-storage unit facility consisting of nine self-storage structures with a total of 467 self-storage units.

**(2-3) 1595 Substation Road: Anthony R. Vacanti, Esq, Counsel for owner Turnberry Partners, 950 Main Avenue, Suite 1100, Cleveland, OH 44113,** Variance requests for 1595 Substation Road, Brunswick Hills, OH 44212, PP# 001-02C-05-028, Current Zoning I-1 Industrial, for proposed self-storage unit facility consisting of nine self-storage structures with a total of 467 self-storage units.

Secretary Milanko stated the board received a request from Mr. Anthony Vacanti, Esq. for Turnberry Partners to ask for a continuance of their hearing until they can be heard by a full board. She said the date for the continuance is Thursday, August 26, 2021 at 7:00 p.m. at the township hall.

**Motion for Continuance of 1595 Substation Road Application Requests to August 26, 2021**

**1. Motion:** Mr. Kersten made a motion to continue the hearing for Application #2021-075 for Conditional Zoning for self-storage units, 1595 Substation Road to Thursday, August 26, 2021. Mr. Wetterman seconds. **Roll Call:** Ms. Barron-yes; Mr. Wetterman-yes; Mr. Kersten-yes.

**2. Motion:** Ms. Barron made a motion to continue the variance to August 26<sup>th</sup> for Application #2021-076 variance request subject to 804-9 (2) and (3). Mr. Kersten seconds. **Roll Call:** Mr. Wetterman-yes; Ms. Barron-yes; Mr. Kersten-yes.

**3. Motion:** Mr. Wetterman made a motion to continue the variance request for Application #2021-077 subject to Sec. 804-9 (2) and (3) to August 26<sup>th</sup>. Mr. Kersten seconds. **Roll Call:** Ms. Barron-yes; Mr. Wetterman-yes; Mr. Kersten-yes.

**ADDITIONAL BUSINESS: Sign Decision Letters**

**(1) Tammy Acevedo, Robru Investments, 2000 Baintree CT, Brunswick Hills, OH, 44212**

**Motion:** Mr. Kersten made a motion to accept the decision letter as submitted. Mr. Wetterman seconds. **Roll Call:** Ms. Barron-yes; Mr. Wetterman-yes; Mr. Kersten-yes.

**(2) Gregory Cancilla, 5047 Woodcliff Circle, Brunswick Hills OH 44212**

**Motion:** Ms. Barron made a motion to accept the decision letter for 5047 Woodcliff Circle. Mr. Kersten seconds. **Roll Call:** Mr. Kersten-yes; Ms. Barron-yes; Mr. Wetterman-yes.

**(3) Thomas Tesmer, 4632 Boston Road, Brunswick Hills, Ohio 44212**

**Motion:** Mr. Kersten made a motion to accept the decision letter as submitted. Ms. Barron seconds.

**Roll Call:** Mr. Wetterman-yes; Ms. Barron-yes; Mr. Kersten-yes.

**(4) Brent Collier, 575 Substation Road, Brunswick Hills, OH 44212**

**Motion:** Mr. Wetterman made a motion to accept the decision letter for 575 Substation Road. Ms.

Barron seconds. **Roll Call:** Mr. Kersten-yes, Ms. Barron-yes; Mr. Wetterman-yes.

**PUBLIC COMMENT:** None

**ANNOUNCEMENT OF NEXT MEETING DATES:** Wednesday, August 4, 2021 @ 7:00 p.m. and Thursday, August 26, 2021 @ 7:00 p.m.

**MOTION TO ADJOURN**

**Motion:** Ms. Barron made a motion to adjourn. Mr. Wetterman seconds. **Roll Call:** All in favor to adjourn. Meeting officially adjourned at 7:40 p.m.

Respectfully Submitted,

Mary Jean Milanko, Zoning Secretary

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Cliff Kersten, Chair

Date