

**Brunswick Hills Township Zoning Commission
Regular Meeting Minutes
July 1, 2021**

CALL REGULAR MEETING TO ORDER

Chair Wetterman called the Brunswick Hills Township Zoning Commission regular meeting to order at 7:10 p.m. A roll call of the board was executed.

- **Board Members in Attendance:** Patti Wetterman (Chair), Bob Norton (Vice Chair), Trica Murphy, Sy Mougrabi, Ed Kelly
- **Alternate Board Members in Attendance:** Barb Porter, Dean Collura
- **Others in Attendance:** Evelyn Czyz, Zoning Inspector, Mary Jean Milanko, Zoning Secretary

APPROVAL OF THE MINUTES

1. Approval of the ZC June 3, 2021 Regular Meeting Minutes

Edits: Mrs. Murphy noted an edit on page 2 under Motion to Recommend Removing Sec. 303-6 N. Satellite Dishes; change Sec. 3033-6 to "Sec. 303-6". Page 4, 7th paragraph, change people that may want to spit off their district to "people who may want to split off their district". Mrs. Porter noted page 4 under number 1. Change small to "smaller" than (2) acre lots. Change The type of development to "This type of development".

Motion to Approve Minutes: Mr. Norton made a motion to accept the minutes of the June 3, 2021 Zoning Commission as corrected. Mrs. Murphy seconds. **Roll Call:** Mr. Kelly-yes; Mr. Mougrabi-yes; Mrs. Murphy-yes; Mr. Norton-Abstain; Mrs. Wetterman-yes.

OLD BUSINESS:

1. Zoning Resolution Amendments – Confirm Proposed Text Amendments

- **Sec. 303-5. General Regulation of Lots**
C. Projections Into Yard Areas - Every part of a required yard shall be open to the sky, unobstructed, except for the following:
 - 6. Terraces, unenclosed porches, decks, uncovered platforms, and similar unenclosed ornamental and architectural features may project a maximum of ten (10) feet into a required front ~~or rear~~ yard.
- **Sec. 303-6 (N.) Satellite Dishes.** Remove Sec. 303-6 (N.) Satellite Dishes and make Sec. 303-6 (O.) Ponds Sec. 303-6 (N.)

Mrs. Wetterman said at the last meeting we approved amendments to Sec. 303-5 (C) General Regulations of Lots and to remove Sec. 303-6 N. Satellite Dishes. She asked what the procedure was for sending to the Planning Commission. Secretary Milanko stated the board made a motion to recommend the proposed text amendments for these two sections and they can be sent along with other amendments to the Medina County Planning Commission and to the Prosecutor's Office for review and recommendations. The Zoning Commission has to schedule a public hearing to review the recommendations and then the final recommendation(s) are sent to the Board of Trustees for a public hearing and final decision.

Mrs. Wetterman stated we need a motion on the proposed amendments to the deck definition.

- **Deck Definition:** A structure without a roof which is directly adjacent to a principal building. ~~and has an average elevation of thirty (30) inches or greater from finished grade.~~ A platform supported by pillars or posts which may be either freestanding or attached to a building.

Motion: Mrs. Murphy made a motion to remove ~~and has an average elevation of thirty (30) inches or greater from finished grade.~~ from the current deck definition. Mr. Norton seconds.

Discussion on the Motion: Mrs. Czyz said on June 10th at 2:04 p.m., I spoke with the Medina County building official, Richard Nelson, and I asked regarding the definition for deck and this was his response: *“A raised structure built out of framing; there is no height restriction when building from the ground. Patios can be built out of wood, not necessarily need to be built out of concrete or pavers, however, no posts are needed and the Ohio Building Code allows a deck to be built if less than 30 inches from the ground and under 200 feet without a county permit when away from the house.”*

Mrs. Wetterman asked if she is suggesting that we put that in the deck definition? Mrs. Czyz said that came from him so whatever this board wants to do, but I was asked to call him and I did. Mrs. Murphy said you talked about patios also, so what was the part with or without pillars, was that for the patio or the deck? Mrs. Czyz said you don't need pillars for a patio was my understanding. Mrs. Murphy said it seems like the first sentence dealt with the deck. Mrs. Czyz said yes, a raised structure building out of framing and there is no height restriction, so you can basically build a platform and call it a deck. Mr. Collura said for clarification when this came up at the last meeting, Wes Humphrey was suggesting to cross off “the elevation of thirty inches”, but then said that you would have columns for the deck. He said we were good with that and I think now with the reference to patio which you can make out of wood, the Building Department is now clarifying you don't need posts for a deck even if it is wood. Mrs. Czyz said the Ohio Building Code allows for a deck to be built if less than 30 inches from the ground and under 200 feet without a county permit when it is away from the house. Mr. Collura said he has no problem with Mr. Nelson's wording, I think it is good. I was just trying to clarify when Wes struck the 30-inch height limit and he wanted to keep the word posts because of a deck, but obviously in the case of a patio you don't need it.

Mrs. Wetterman asked if we should include the information on patios in our deck definition or, do we need a definition for patios? Mr. Collura said then how far do you expand it because you can talk about brick pavers, concrete, etc. because there are so many things you can make it out of. Mrs. Porter said she didn't have any concerns on what Mrs. Czyz read to us and was fine if the board wanted to follow that. Mr. Norton said we are only talking about decks, we are not talking about patios and said those are two different structures. Mr. Norton said I think we can vote on the deck and if we want to talk about a patio, we can bring that up in new business. Mr. Norton said I can't understand what they would call something that has a roof? Mrs. Czyz said it is an open framed porch because it is open on three sides normally. Mrs. Czyz said I asked Mr. Nelson what is definition of a deck was and he was the one who added the patio. Mrs. Murphy said in our deck definition we might want to think about adding “a raised structure” at the beginning of the definition because that is what Mr. Nelson said. Mr. Mougrabi had no comments to add. Mr. Kelly asked if we are still taking out the reference to the 30-inch elevation or leaving that in? The board said we are taking that out. Mrs. Wetterman called for a motion for the revised definition of decks.

Revised Definition of Deck Motion: Mr. Norton made a motion to accept the deck definition as modified: **Deck Definition:** A raised structure built out of framing without a roof which is directly adjacent to a principal building. ~~and has an average elevation of thirty (30) inches or greater from finished grade.~~ A platform supported by pillars or posts which may be either freestanding or attached to a building. Mrs. Murphy seconds. **Roll Call:** Mr. Mougrabi-yes; Mr. Kelly; Mrs. Murphy-yes; Mr. Norton-yes; Mrs. Wetterman-yes.

Mrs. Wetterman called for a motion for text amendments to Sec. 303-5 General Regulation of Lots (C) Projections into Yard Areas (6).

Motion on Sec. 303-5 (C) (6): Mrs. Murphy made a motion to remove the words “or rear” so it reads as: **Sec. 303-5. General Regulation of Lots**

C. Projections Into Yard Areas - Every part of a required yard shall be open to the sky, unobstructed, except for the following:

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

Mr. Norton seconds. **Roll Call:** Mr. Kelly-yes; Mr. Mougrabi-yes; Mrs. Murphy-yes; Mr. Norton-yes; Mrs. Wetterman-yes.

The board agreed they will send the amendments to the Planning Commission and Prosecutor's Office when they have additional text amendments and send in at one time.

OLD BUSINESS CONTINUED

2. Definition of Days: Working days vs. calendar days and the ORC definition.

Mrs. Wetterman said at the last meeting we discussed days vs. calendar days and Mrs. Murphy went through the Zoning Resolution and found 46 occurrences of the word "day". A copy of the document was submitted to board members.

Mr. Collura said in our definitions where the word day(s) is indicated, we should say it means calendar days unless otherwise noted and for the otherwise noted, we should pick one or two words: "working days" or "business days" and define that as being Monday – Friday, excluding holidays, so there is no confusion that working days are not on the weekends.

Mrs. Wetterman referenced Outdoor Storage of Disabled Junk Vehicles in the document and said you can leave it in your yard for 14 days and then you can move it and bring it back for another 14 days. Mrs. Czyz said but you can only do it so many times during the year for a disabled vehicle. Mrs. Wetterman stated it says "*The parking of a disabled motor vehicle within a residential district for a period of more than 14 days in any calendar year shall be prohibited*". In reference to days vs. calendar days, Mrs. Murphy suggested we compare our wording to what the Ohio Revised Codes says and see how they word it and said it also depends on how strict we want to be with our definition of days.

Mrs. Wetterman said for the next meeting she would like the board members review our Zoning Resolution with the ORC for days and also review the Riparian information Ed Kelly referenced at the last meeting.

Old Business Continued

1. Ohio Revised Code (ORC): Mrs. Czyz stated under old business discussed at the last meeting it was mentioned that Ohio Laws & Rules are taking the place of the ORC. Mrs. Czyz said I checked that and the Legislative Service Commission has assumed publication and all they have done is changed the vendor to who publishes what, but everything else stays the same, it is not taking the place of the ORC. * EDIT

2. Swimming Pools and Locking Covers: Mrs. Czyz referenced the International Building Code 305 and said we talked about swimming pools with a power safety cover. She said the International Building Code talks about the general provisions, but there are two exceptions: (1) spas and hot tubs with a lockable safety cover that complies with the ASTM F 1346 and (2) the second one is swimming pools with a powered safety cover that complies with the ASTM F 1346. Ms. Czyz stated she would provide the board a copy of the information.

Discussion: Mrs. Wetterman stated the board decided at the last meeting we were keeping the swimming pool language to require the fence. Mrs. Czyz said she referenced the International Building Code because at the last meeting it said you had to have a fence around the pool, but there are two exceptions to that. Mr. Norton said they are saying if you have a power cover, you don't need a fence. Mrs. Czyz said correct. Mr. Norton said we are saying you need a fence; that's our code. Mr. Norton said we don't need a power cover; we need a four (4) foot fence. Mr. Norton said Mrs. Czyz is suggesting having a lockable cover and I've gone to two different pool companies and they said they don't hold people's weight, let alone an elephant as they advertise. Mr. Norton said this is coming from a pool company/manufacture and he said go talk to your fire department, EMT's and first responders who have to try to find a body underneath one of those covers when somebody is not home and they fall through. He said they will tell you never do that. Mr. Norton said I've talked to them and this removeable cover can go two ways: it can go on top of your concrete deck, or it goes under your concrete deck. He said the minimum cost is \$15,000 if you want a fairly decent cover like that and then there is service to it all of the time, so I am just informing you on what's involved with these removable covers. Mr. Norton said with

* Mrs. Wetterman stated she was misquoted. she referred the board to the ORC website address link. Refer to page 2 of the June 3, 2021 Minutes under ORC website update.

the winter covers, you put them on in the fall and you pull them off in the spring; they are not made to take on and off because you will tear them apart if you put them on and take them off all of the time. He said they are really hard to put on and take off and there are brass fittings that come up out of the concrete, so every time you take the cover off, you have to screw those brass fittings back down and there are about 30 of them on my cover. Mr. Norton said personally I prefer the four-foot fence and there are some people that have lakes and they don't have anything around them. Mr. Norton said an insurance company won't insure you if you don't have a four-foot fence around your pool. Ms. Czyz said but they will insure you if you don't have a fence around a pond. Mr. Norton said yes, but your insurance rates will go up for liability. End of discussion.

NEW BUSINESS: None

ADDITIONAL BUSINESS:

1. Applicants and Incomplete Applications: Mrs. Wetterman said I have had a couple of phone calls about contacting applicants for missing information on applications that was referenced at a previous meeting. She said we've been told in several meetings and training that we (board members) are not allowed to call the applicants at all. She said it is not our job to monitor applications, so that information that we can contact applicants is incorrect. Mrs. Wetterman said we've been told by the attorneys several times that the board members are not to contact the applicants. She said I just wanted to clear that up because I received several questions on it. Mr. Norton thanked her for clarifying because he had a note on bringing that up.

PUBLIC COMMENT:

1. Robert Murphy, 4041 Foscett Road, Medina, OH 44256 referenced Mrs. Czyz's conversation for locking pool covers and said our zoning book has always required fences for swimming pools, so whatever the International Building Code does, we've always required a four-foot fence. He said I can see a four-foot fence, I can't see if your pool cover is on. Mr. Norton said I don't think she was getting rid of the four-foot fence; I think she was going one step above and trying to see if we wanted to add a lockable pool cover with the four-foot fence in case a baby is out and falls in the pool, etc. Mr. Murphy said we have a pool by us right now that has no fence and it was ok'd.

ADDITIONAL BUSINESS CONTINUED:

1. Definition of a church. Mrs. Czyz said you asked for a definition of a church and a church building at the last meeting and said she got this off of the website (note: source not disclosed): *Strictly speaking the most important difference between a church and a church building is the way the building is used. While a church is a building for public worship most commonly of the Christian faith to which people will travel and worship. Even though a church refers expressively to a specific building that isn't always the case with a Monastery. A church building, church house, or simply church is a building used for Christian worship services and other Christian religious activities. The term is used to refer to the physical building where Christian's worship and also to refer to the community of Christians.* Mrs. Wetterman said I also checked for a church definition, but I didn't bring it with me because we were not covering that at tonight's meeting. She asked Mrs. Czyz to print the definition for board members we will review it.

2. Pledge of Allegiance. Mr. Norton stated he's been to the Trustee meetings and they start the meeting with the pledge. He said I would like to start our Zoning Commission meetings by saying the Pledge of Allegiance and a moment of silence to show respect for those who have died for this flag. All board members agreed. **Motion to Start ZC Meetings with the Pledge of Allegiance.** **Motion:** Mr. Norton made a motion to start the meetings with the Pledge of Allegiance and a few moments of silence for our military and first responders after the roll call is made. Mrs. Murphy seconds the motion. **Roll Call:** Mr. Kelly-yes; Mr. Mougabi-yes; Mrs. Murphy-yes; Mr. Norton-yes; Mrs. Wetterman-yes. Mrs. Wetterman asked for the alternates members voice on the motion. Mr. Collura-yes; Mrs. Porter-yes.

ANNOUNCEMENT OF NEXT MEETING DATE: Thursday, August 5, 2021 @ 7 p.m.

MOTION TO ADJOURN

Mr. Norton made a motion to adjourn the meeting. Mr. Kelly seconds. **Roll Call:** All in favor to adjourn.
Meeting officially adjourned at 8:00 p.m.

Respectfully Submitted,

Mary Jean Milanko, Zoning Secretary

Patricia R. Wettermann
Patricia Wettermann, Chair

8-5-2021
Date