

**Brunswick Hills Township Board of Zoning Appeals
Public Hearing Meeting Minutes
Township Hall
October 6, 2021**

Call Meeting to Order

Chair Kersten called the Brunswick Hills Township Board of Zoning Appeals public hearing meeting for October 6, 2021 to order at 7:00 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, Linda Kuenzer
- **Alternate Board Members Not in Attendance:** Daryl Lucien (Excused Absence)
- **Others in Attendance:** Evelyn Czyz, Zoning Inspector, Trustee Christina Kusnerak, Mary Jean Milanko, Secretary.

Chair Kersten stated a quorum is present. The Brunswick Hills Board of Zoning Appeals acts within the regulations of Sec. 519 of the Ohio Revised Code. Chair Kersten explained the voting process to the audience:

- 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.

APPROVAL OF MEETING MINUTES

1. Approval of the August 26, 2021 Minutes (1595 Substation Road Storage Units)

Motion: Mr. Schigel moved to accept the August 26, 2021 minutes as submitted. Mr. Wetterman seconds. **Roll Call:** Ms. Kuenzer-yes; Mr. Wetterman-yes; Ms. Barron-yes; Mr. Schigel-yes; Mr. Kersten-yes.

2. Approval of the September 1, 2021 Minutes (Family Tavern)

Motion: Mr. Schigel moved to accept the September 1, 2021 minutes as submitted. Mr. Wetterman seconds. **Roll Call:** Mr. Schigel-yes; Ms. Barron-yes; Ms. Kuenzer-yes; Mr. Wetterman-yes; Mr. Kersten-yes.

APPROVAL OF DECISION LETTERS

1. Decision Letter 1595 Substation Road Zoning Receipt #2021-077 to Deny Variance request subject to Sec. 804-9 (2) Minimum Lot size two acres; maximum lot size three acres.

Motion: Mr. Schigel moved to approve the decision as submitted. Mr. Wetterman seconds. **Roll Call:** Ms. Barron-yes; Ms. Kuenzer-yes; Mr. Schigel-yes; Mr. Wetterman-yes; Mr. Kersten-yes.

2. Decision Letter 1595 Substation Road Storage Units Zoning Receipt #2021-076 to Deny Variance request subject to Sec. 804-9 (3) maximum structure size shall be 5,000 square feet.

Motion: Mr. Schigel moved to accept the decision letter as submitted. Ms. Kuenzer seconds. **Roll Call:** Mr. Wetterman-yes; Ms. Barron-yes; Ms. Kuenzer-yes; Mr. Schigel-yes; Mr. Kersten-yes.

3. Decision Letter 1595 Substation Road Storage Units Zoning Receipt #2021-075 to Approve Conditional Zoning request for Self-Storage Units subject to Sec. 410-2 (B) Conditionally Permitted Uses (9) Self-storage buildings to comply with Section 804-9 Self-Storage Units, Conditions Subsections 1-6 of the Brunswick Hills Township Zoning Resolution.

Motion: Mr. Wetterman moved to accept the letter as submitted. Mr. Schigel seconds. **Roll Call:** Ms. Barron-yes; Ms. Kuenzer-yes; Mr. Wetterman-yes; Mr. Schigel-yes; Mr. Kersten-yes.

4. Decision Letter for Family Tavern, 1860 Pearl Road Variance Request to grant an 8 ft. fence,

Motion: Mr. Schigel moved to approve the letter as submitted. Mr. Wetterman seconds. **Roll Call:** Ms. Kuenzer-yes; Mr. Wetterman-yes; Ms. Barron-yes; Mr. Schigel-yes; Mr. Kersten-yes.

NEW BUSINESS – PUBLIC HEARING

1. Richard & Linda Kassouf variance request to build a new home at 2109 Marks Road, Brunswick Hills, OH, PP#001-02C-15-001, current zoning Rural Residential, per zoning Sec. 402-3 Lot Requirements (A) Minimum Lot Area Per Dwelling Unit: two (2) acres; (B) Minimum Lot Width at Building Setback: 200 feet in a RR-Rural Residential District.

Mr. Kersten swore in Evelyn Czyz, Zoning Inspector.

TESTIMONY & EVIDENCE:

1. Richard Kassouf (applicant), 4092 Tudor Avenue, Brunswick, Ohio 44212 was sworn in. Mr. Kassouf said he and his wife are in their 70's and moved to Brunswick in 1975 into a new home and have lived there ever since and his kids grew up here and went through the Brunswick school system. Mr. Kassouf said we have owned this lot for quite a long time since the late 80's or early 90's and got caught up with the kids in school, so we are finally thinking of using that lot. When we bought it, it was buildable. He referenced page 55 of the 1991 zoning regulations and said it allowed us to build a house. Mr. Kassouf said we finally got to the point where we are renovating where we are now and our kids moved, so we would like to be able to build a house there for retirement. He said we are on a 75 x 150-foot lot and we are thinking about building something very similar on this 125-foot lot that goes back, so we are asking that we can follow through on building this.

Mr. Kassouf stated he hired a soil scientist that went out and did testing and they said it was okay for a septic system and the last thing we had to do was just apply to the county for them to come out and make sure the lot is there and they said it would be okay. Mr. Kassouf stated it has city water, obviously no sewer there, and it's a high spot before you go down the hill so that it has good sight going up on both sides north and south. Mr. Kassouf said we just want to have the right to be able to do something on that lot. We've been paying taxes for a long time and I'd like to see it come to fruition.

Questions by the Board

Mr. Schigel stated you said when you bought it in 1991, your testimony was that the zoning code was a little bit different at that time. Mr. Kassouf said yes, at that time it was a buildable lot. Mr. Schigel asked if he happened to know what the code was at that time? Mr. Kassouf asked, with the exact amount? He said I know we could build it that's all I know because I knew the guy who split the lots. The underground home is on the corner and there is a real nice ranch that probably would be at the same building setback and a similar type home, so we'd like to put it right next door.

Secretary Milanko noted to the board that they received a copy of the 1991 zoning regulations for RR-Rural Residential in their application packets and page 55 states what the zoning was at that time.

1. General Regulations (B.) Area, Yard and Height Regulations (3.) Minimum and Average Lot Areas for Single-Family Dwellings: In an R-R district a minimum of one (1) acre with an average lot size of 1.4 acres per dwelling.

Mr. Schigel said that answered his question and asked if anyone knew when that changed. Ms. Czyz stated that was before her time. Secretary Milanko stated she did not know exactly when that section was changed, but we do know that in 2007 there was a major update to the zoning. Ms. Czyz stated with all due respect, they have to adhere to the current zoning because that lot was vacant for more than two years. She said two years and one minute it goes to the current zoning and that is per the Ohio Revised Code. Secretary Milanko confirmed that the board heard that.

Mr. Wetterman asked the Zoning Inspector if she was aware of any other lots in that area that were smaller than two-acre lots when the R-R area was rezoned? Ms. Czyz stated when it was rezoned, I was not here. Mr. Wetterman said so you aren't aware of any. Ms. Czyz said I am not aware of any but I came on in 2002. Mr. Wetterman said wouldn't it be normal when there is a change in zoning to allow a small lot to be grandfathered in? Ms. Czyz said no. Mr. Wetterman said it is not? Ms. Czyz said no, because when it comes to a vacant lot there is not a grandfather clause that protects that. She said according to the Ohio Revised Code, if a piece of property is vacant for more than two years they have to adhere to the current zoning, thus the reason for the variance. Mr. Wetterman said, so you're pretty certain that at the time he bought the property in 1991, it was already R-R (Rural Residential)? Ms. Czyz said yes and it conformed at that time, but it just doesn't conform now from the zoning regulations of 1991. Ms. Czyz said even if he bought it in 1991, the zoning resolution 1991 states that it had to be one (1) acre. Mr. Wetterman said I wasn't aware of what date..... Ms. Czyz stated I went back on the auditor's records and they did not go back earlier than just a few years ago. Mr. Wetterman said it probably was not zoned at all. Ms. Czyz said it was definitely zoned because I have a zoning map that goes back to 1950. Mr. Wetterman said it was originally purchased in 1991 by Mr. Kassouf, but it was split off back in 1969 and it was a buildable lot at that time. Ms. Czyz said yes, when he purchased it in 1991 it was also buildable lot. Mr. Wetterman said I am assuming that the individual who sold it to him had not been advised and sold it to Mr. Kassouf as a buildable lot. Ms. Czyz said but that would have been impossible for either Mr. Kassouf or the previous owner to know what was going to happen how many years looking forward.

Mr. Kersten said when he bought the lot in 1991 it was still buildable. Ms. Czyz said it was a buildable, conforming lot. Mr. Kersten said so nobody could tell him things were going to happen because it was a buildable lot at that time. Ms. Czyz and Mr. Wetterman agreed. Mr. Wetterman said being a buildable lot, is there a restriction of time as to how soon you have to build your house? Ms. Czyz said within two years. Mr. Wetterman asked, what about all of these big land speculators, do they only have two years to develop their property? Ms. Czyz said if it has already been approved and they put a shovel in that dirt, they are okay to go and if they get a variance, the variance goes with the property. Mr. Wetterman said but when the property was sold (Marks Road), it didn't need a variance. Ms. Czyz said he did not, but now he does simply because the land remained vacant.

Ms. Barron said in the application you submitted, one of the things you stated is that your intent is to construct a home similar to the single story on the lot directly to the south of this parcel. She pointed to his site map and said this red square on here doesn't help us to understand what you want to do. She said in referencing the house next door helps a little bit, but the house next door has a very much wider width lot. She asked Mr. Kassouf what is your vision for building this house? Are you putting in a garage? What kind of dimensions are you looking at? Ms. Barron asked if he could share that information. Mr. Kassouf said we are not sure yet, we haven't pick out plans, but between 1600- 2000 square feet and probably a two-car garage. Ms. Barron asked where the two-car garage will go. Mr. Kassouf said you mean on the right side, the left, side or the back? Ms. Barron said yes, because the lot is much narrower than the neighboring lots, so where do you intend to put that garage? Mr. Kassouf said I don't know that but I can tell you that there should be plenty of room because it's 125 feet wide and how wide is a house, 60-70 feet max?

Mr. Kassouf said when we first got the lot, we had an intent on doing something and I had a guy out there and he started digging a little bit in the back of the property to see if we could have a walk-out basement and Ms. Czyz indicated that if we started putting any kind of hole in the ground or anything you are good. He said we did have it dug down for the walk out basement to see how that would go and then to be honest with you, I ran into some financial problems and some ups and downs in my self-employed business and we had to stop because I just couldn't afford to do what we had planned. Mr. Kassouf asked if that made any difference? Ms. Czyz asked if he had any supporting documentation that someone was digging. Mr. Kassouf said, well the guy who did it is dead but he had a back-hoe out there. He said it has to comply with the side yards, but it's all wooded and I don't think we are going to have any problem with privacy on either side. I don't know exactly how it will layout but, obviously to get a building permit, I have to comply with at least the side, the rear setback and

the front setback. Mr. Kassouf said that is why the soil scientist went out to dig and take his readings in places. One was in front of the house and one was behind the house and he outlined where the septic had to go and that's all I know.

Mr. Schigel had a question for the Zoning Inspector and said I am going to utilize the word "land locked" because there is property to the left and property to the right of him. He asked if there is any other use for that property of 1.11 acres? Ms. Czyz said yes. Mr. Schigel asked what other uses? Ms. Czyz said they can split the lot, and I would do this prior to, and offer to the property owner on either side if they would be interested in purchasing any part of that property. Mr. Schigel said so they could sell it, but it's not a buildable lot. Ms. Czyz said they could split the 125-foot width in half, take and sell to the neighbors on each side to get his return. Mr. Schigel said, but there is no buildable option on that then. Ms. Czyz said there is none and he is not only asking for a variance for the lot size, which is 1.11 acres because the minimum is two acres, but also the minimum lot width of the building setback line which 200 feet and he only has 125 feet.

Mr. Kassouf asked if he could comment and said I have visited the neighbor on one side multiple times leaving my card asking for a call and have never gotten a call back. He said I walked on the side of my yard one time and the neighbor on the other side told me to stay off his property and don't come back. Mr. Kassouf said so I didn't even have an opportunity to say do you want to buy anything – not that I want to do that, but I'm just saying the opportunity to split it and buy it is not an option in my ideas especially the way I've been treated. He said I don't understand why you can't put a small house inside this big lot, which is almost twice the size of the one I have now as far as the lot size goes. He said it is actually four times the size, but we've been paying taxes for all of this time so it should be utilized and useable. He said the septic can go in, there is water at the street and it's not going to encroach on any of the setbacks. I don't understand why it wouldn't be useable.

Mr. Schigel asked how are residents in the township are alerted or know when there are zoning changes. Ms. Czyz stated there are public hearings on behalf of the Zoning Commission, which is a recommendation board to the Trustees. The Trustees also have public hearings and both the Zoning Commission and Trustee hearings must be advertised in the newspaper as to what the nature of that hearing is about. Mr. Kassouf stated we never saw anything on a change until we made the application with Ms. Czyz. Ms. Czyz said you did not speak to me; you spoke to my assistant Mr. Humphrey. Mr. Kassouf said all I know is that we would love to put something there if at all possible and it is not logical for me not to have that. Mr. Kassouf said to the north, the house that sits way in the back behind our lot, they only have 188 feet across the front; it's not 200 feet as the code says. He said obviously the one to the south have plenty of room because they have lots and lots of frontage and down the hill it is the same thing. Mr. Kassouf concluded with thanks and asked that the board would grant the variance.

PUBLIC COMMENT TESTIMONY & EVIDENCE

1. David Nix, 2089 Marks Road, Valley City, OH was sworn in. Mr. Nix stated he and his wife Kristin own the property contiguous to the north of the property in question. He said I am here to object to the two variances being requested at 2109 Marks Road because I feel they are substantial and will have an affect on my adjoining property and a precedent will be set for future variances and these precedents can fundamentally affect the character of our township.

Mr. Nix gave an example of his in-laws who live in Columbia Township in Lorain County and over that last two decades, I've seen variances to their rural district and township quickly change the face of the character of their township. About 15-20 years ago they allowed some variances to allow half-acre home sizes in the neighborhood to build 280 homes. They were nice upscale homes with green space that averaged out closer to an acre instead of a half-acre with the green space and the roads and everything, but the home size was still about a half-acre. In the last few years since that precedent that was set, there have been several developments totaling about 500 homes when they are finished with the construction in process now. Those homes are on quarter-acre home sites and unfortunately the township was not able to hold back on those variances because

the precedent had been set by the previous variances. Mr. Nix said that is just an example and it's not exactly perfect, but it is more like driving through Strongsville than it is driving through a rural township, which is what I feel our township should be.

Mr. Nix said, additionally, what is to stop me from now sectioning off one; 125-foot wide by 400 feet deep to have one acre of property in my front yard which is almost 300 feet wide and selling that with the way the real estate market is today. He said multiple neighbors could have the same opportunity because they have very wide lots. Mr. Nix said I believe my position is justified.

Comments by the Board

Mr. Kersten said you stated if we grant this gentleman his variances that it would set a precedent. No. Each case is different and we weigh each case separately. Mr. Nix apologized. Mr. Kersten stated I just wanted to put that out there. Mr. Wetterman said another difference is you mentioned splitting off 125 feet of your property, but at this time, because it is definitely not in code, would not be accepted as a buildable lot.

Mr. Nix said I believe my position is justified for the following reasons: The property can yield a reasonable return and have beneficial use without the variance. The property has been held for several decades and if it was not of some beneficial use as is, the current owners would certainly have sold it by now. The property has been offered for sale at least once before by the owner's real estate firm because I saw the sign out down by the road a couple of years ago. Both of the variances are very substantial. The width of the property needs to be 1.6 times wider to meet current zoning; 125 feet versus the 200 feet required. The lot size needs to be 1.8 times larger which is almost double. He said one of these requests alone, in my opinion, would be substantial enough to deny the request for the variance, but combining the two, I feel it becomes a very large disparity. By allowing a 1.1-acre home site in this rural district, the character of the neighborhood would be changed. He said my wife and I chose to move to Brunswick Hills to get away from very small lots with little distance from the property lines of the adjoining homes. I can say without question that having another home 25 feet from my property line, 125-foot-wide lot with a 75-foot home is going to require 25 feet on either side of the home. It will change the character of the way the lot feels for us and we wouldn't enjoy it as much and I don't know if that will affect my property value going forward. Right now, our home is very secluded and we were aware of the current zoning laws. When we bought the home and looked at the lots available around it we noticed that the lot size was not buildable and that was one of the factors that contributed us to buy that home. I was not aware at the time and just assumed it was part of my neighbor's lot two doors down.

Mr. Nix said based on my understanding of the immediate area down on Marks Road, I couldn't find any other properties that had been granted variances within our immediate area. There is Markwood Court further down north that is one drive off of Marks Road and that is a separate development itself. He said the property owner's have certainly had every opportunity to be aware of the zoning as it has changed over the years. Mr. Nix said this is certainly not personal, it's just a matter of the rules because I have nothing against the property owners. Their predicament can be handled through other methods; they can offer it for sale or use it for other purposes. The spirit and intent of the zoning in the township, in my opinion, is to keep our area a rural district and by allowing these variances, neither the spirit nor the intent be observed. The property in question does not have any unique or exceptional circumstances or conditions that would not apply to other properties in the area. Mr. Nix stated I appreciate the board's time and consideration and your service to our township. I firmly but politely object to both variances; any questions?

Questions by the Board for Mr. Nix

Ms. Barron said you stated that the lot next to you was vacant, but you really didn't know; it could have been anyone's in the neighborhood. Mr. Nix said yes. Ms. Barron said you also mentioned that you had looked up and down the road at the different lot sizes and different houses and you were doing some sort of a survey in your area. Mr. Nix said yes. Ms. Barron asked if he noticed any other lots that were vacant? Mr. Nix said no. Ms. Barron said so most of the lots in your area have existing homes on them? Mr. Nix said yes as far as I could tell. Ms. Barron said so this would be sort of like "a wow". Mr. Nix said exactly.

2. Tresa Goodwin, 2119 Marks Road, Valley City, OH was sworn in. Mrs. Goodwin said I'm the adjoining property on the other side; I live right above Kevin and Karen Schemrich in what we call "the hobbit house". Mrs. Goodwin said thank you for your service, the township is a very special place. I have lived in Brunswick all of my life; we moved to Etta Blvd. in 1959. My husband and I have rented a home in Brunswick and this is our third property that we've owned in Brunswick. I have three children that went through Brunswick High School like I did and Brunswick Hills is a very special place. All three of my children live in the hills so we are very loyal to the rural aspect and the opportunities of privacy that it allows. Mrs. Goodwin said when we purchased our home from Mr. Niedermeyer, we talked about the lot next door and he was a very research guy and he assured us that it was an unbuildable lot. My husband, being a very research guy, did his research through the auditor's website and also confirmed that it was a non-buildable lot, so we chose to make the purchase.

Mrs. Goodwin said we moved from Whetstone Circle, which is a beautiful cul-de-sac development, and the purpose of us moving was because we wanted a house that was going to live past us. We wanted to be in a ranch, so the privacy aspect is incredibly important to us. We are very family heavy, so we do have our family over quite a bit and the privacy that this lot allows us is very important to us. Mrs. Goodwin said I am the Principal at the Career Center and I talked to a very good friend who serves on another zoning board and he educated me on the fact that this is a very big ask to ask a zoning board. She said I did not know who owned the property. I do recall getting New Hope Business Realty cards on my porch, but quite frankly, we had no interest in spending more money or paying higher taxes. She said we are happy to pay our taxes because we love our lot, but we don't want to pay anymore taxes. Mrs. Goodwin said we did not express an interest because we had no interest. She said it is not personal and I understand that the gentleman who owns the property is New Hope Realty, so I can only imagine that he's very knowledgeable on zoning and ordinances. Mrs. Goodwin said both of her children built in Brunswick Hills and I know how much time they spent with Evelyn (Evelyn Czyz, Zoning Inspector) trying to make sure that even on their four (4) acre lots the septic placement was right. She said it was very precarious and they had to do it just so and I know there are a lot of rules and regulations. She said I am not an expert, you are, but I wanted to come up tonight to express our love of the property that we have; our intention to not have to pay anymore taxes and just want to understand what the importance of it is and then read the purpose in 402-1 (RR – Rural Residential District, Brunswick Hills Township Zoning Resolution):

Purpose: This district is established to provide for detached single-family dwellings on large lots with very low densities in a semi-rural atmosphere in locations consistent with and in furtherance of the vision and recommendations contained in the Comprehensive Land Use Plan

Mrs. Goodwin said I don't need to read that to you but in my mind, that encapsulated why we bought in Brunswick Hills, because we trusted that. Mrs. Goodwin said I am also opposed with Mr. Nix on the approval of either variance for a single-family housing. I do not know the gentleman who owns the property, but I'm a little skeptical that if the variance is granted, that property may be passed on to someone else. That is something that went through my head. I am a high school principal so I always have to think about the other side of the story. Mrs. Goodwin said I just want to go on the record to say my husband and I are both extremely opposed to approving either of these variances. Any questions?

Questions by the Board for Mrs. Goodwin

Mr. Schigel asked when she bought the property. Mrs. Goodwin said we purchased our house about 15 years ago, about 2005? Ms. Barron said the Medina County Auditor site said it was in 2006.

3. Robert Burns, 2065 Marks Road, Valley City, OH was sworn in. Mr. Burns said I am here to support Mr. Nix who is adjacent to his land (the applicant) and my land is adjacent to Mr. Nix to the north. I do have full view of the land in question and until two years ago, I didn't even know there was a lot there. It's such a small space, I thought it was just a green area between two properties. He said I object to it because when I

moved here 20 years ago, I liked big lots, less neighbors, the green look and I don't think there is enough room to jam another house there. I think it will ruin the affect of the neighborhood and that is basically my complaint about it. I object to these variances.

Mr. Richard Kassouf returned to the podium to respond. Mr. Kassouf said I would like to thank my neighbors for coming here tonight and I certainly understand their position. He said I would probably feel the same, however, they just indicated that they don't want to buy the property; that they want it for their own use basically shielding their own land and being able to do what they do. If they have been on the land I don't care, but basically, it only leaves me with one result and that is either we can build on it, or it is going to sit there for the rest of eternity with nothing happening and nothing being taken care of and just being vacant land that continues to cost money to us. Mr. Kassouf said I don't think it is fair and I'm sorry if I don't read every township board notice or zoning changes in particular. Mr. Kassouf said I just want to say that I hope you understand that we have no other alternative but to ask for this variance and I honestly mean no harm to my neighbors. Thank you for your time.

Questions by the Board

Ms. Barron said I thought you said you intend to occupy this property? Mr. Kassouf said most likely. We are in our mid-70's and we have some physical situations and we will probably remodel what we have now to sell it, but that is the intent right now.

Mr. Kersten asked Evelyn Czyz, Zoning Inspector, if we were to grant the variance, it goes with the property, correct? Ms. Czyz said the variance goes with the property. Mr. Kersten said he hasn't really committed 100% that he is going to be living on there so if he sells the property, the variance goes with the property. Ms. Czyz stated that is correct and do remember that you are looking at almost an 80% variance.

Mr. David Nix returned to the podium and said I just want to make it clear that the property owner stated that all of his neighbors have no interest in purchasing the property. I never stated that just for the record.

REVIEW 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. Schigel-no; Ms. Barron-no; Ms. Kuenzer-yes; Mr. Wetterman-no; Mr. Kersten-no.
- B. Whether the variance is substantial.** All board members stated yes.
- 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.** Mr. Wetterman-no; Ms. Barron-no; Ms. Kuenzer-yes; Mr. Schigel-no; Mr. Kersten-no.
- D. Whether the variance will adversely affect the delivery of governmental services.** All board members stated no.
- E. Whether the property owner purchased the property with knowledge of the zoning restriction.** All board members stated no.
- F. Whether the property owner's predicament can be obviated through some method other than a variance.** Mr. Wetterman-yes; Ms. Kuenzer-yes; Ms. Barron-no; Mr. Schigel-yes; Mr. Kersten-no.

G. Whether the spirit and intent of this Zoning Resolution will be observed and substantial justice done by granting the variance. Ms. Barron-yes; Mr. Wetterman-abstain; Mr. Schigel-yes; Ms. Kuenzer-no; Mr. Kersten-no.

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. Ms. Kuenzer-no; Ms. Barron-yes; Mr. Schigel-yes; Mr. Wetterman-yes; Mr. Kersten-yes.

MOTION ON VARIANCE FOR 2109 MARKS ROAD PP#001-02C-15-001/APPLICATION #2021-0151

Motion: Mr. Schigel made a motion to approve Parcel #001-02C-15-001 for the first variance of a minimum of two (2) acres on 1.1091 of acreage and for a 125-foot width at building setback. Ms. Kuenzer seconds. **Roll Call:** Mr. Wetterman-yes; Ms. Barron-yes; Ms. Kuenzer-no; Mr. Schigel-yes; Mr. Kersten-yes.

Secretary Milanko stated we have a vote of four (4) yes to one (1) no vote to grant the variance. Mr. Kersten stated the application for 2109 Marks Road, Brunswick Hills Township is approved. Mr. Kersten stated all persons adversely affected by a decision by the Board of Zoning Appeals may appeal to the Court of Common Pleas of Medina County on the grounds that such decision was unreasonable, or unlawful, 30 days from the date the decision letter is signed to appeal to the court.

Mr. Kersten told the applicant he will receive a decision letter by Certified Mail after the minutes are approved, so as it stands right now you are approved to build on that land.

PUBLIC COMMENT

Tresa Goodwin said I have a question and I may be off base, but since it was two variances, does it require two votes? Chair Kersten stated no, it is all one application.

ADDITIONAL BUSINESS

1. Ms. Czyz stated no applications were submitted for the BZA November meeting.
2. Secretary Milanko reminded the board that Ms. Kuenzer will not be in attendance at the November meeting.

ANNOUNCEMENT OF NEXT MEETING DATE: Wednesday, November 3, 2021 @ 7 p.m.

MOTION TO ADJOURN

Motion: Mr. Schigel moved to adjourn. Mr. Wetterman seconds. **Roll Call:** All in favor. Meeting officially adjourned at 8:00 p.m.

Respectfully Submitted,

Mary Jean Milanko, Zoning Secretary

Cliff Kersten, Chair

Date