

**Brunswick Hills Township Zoning Commission
Public Hearing Meeting Minutes – Proposed Text Amendments
November 4 2021**

CALL PUBLIC HEARING TO ORDER

Chair Wetterman called the Brunswick Hills Township Zoning Commission November 4, 2021 public hearing to order at 7:00 p.m.

A roll call of the board was executed.

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

Mr. Collura was seated to represent a full board in Mr. Norton’s absence. Mr. Kelly led the Pledge of Allegiance and a moment of silence for our troops.

Chair Wetterman acknowledged congratulations to Christina Kusnerak for re-election of Trustee and to Trica Murphy on her election and transition to Brunswick Hills Township Trustee.

APPROVAL OF THE MINUTES

1. Approval of the ZC October 7, 2021 Regular Meeting Minutes

Motion: Mrs. Murphy moved to accept the October 7, 2021 minutes as written. Mr. Kelly seconds. **Roll**

Call: Mrs. Murphy-yes; Mr. Kelly-yes; Mr. Mougrabi-abstain; Mr. Collura-abstain; Mrs. Wetterman-yes.

NEW BUSINESS /PUBLIC HEARING

Proposed Text Amendments to the Brunswick Hills Township Zoning Resolution

- Review Medina County Planning Commission staff report recommendations and Prosecutor’s Office comments.

Mrs. Wetterman stated we are in receipt of a letter dated September 7, 2021 from Mr. Brian Richter, Prosecutor’s Office stating that all of our text amendments are acceptable. The board read the proposed text amendments and Medina County Planning Commission comments into the record.

Note: New text is **bold underlined**. Text to be deleted is shown as ~~striketrough~~. Staff comments are ***bold and italicized***.

Secretary Milanko read the new definition of Day(s) from the October 6, 2021 Medina County Planning Commission staff report into the record:

Article II - Definitions

- **DAY(S): The definition of day(s) is a calendar day unless otherwise noted.**

- **ZC Comments:** *All board members accepted the proposed definition.*

Mrs. Murphy read the proposed deck definition into the record:

- **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.

(Planning Commission comments): The phrase “built out of framing” is not clear. The township should consider something similar to “An above ground platform without a roof...”

ZC Discussion: Mr. Humphrey stated the suggested language from the Planning Commission is straight forward. Mr. Collura agreed and said if we add their wording at the beginning of the definition of a deck it would clear everything up i.e., replace “raised structure built out of framing” with **An above ground platform without a roof....** and continue with the rest of the wording. Mr. Kelly had no further comment. Mr. Mougrabi agreed. Mrs. Murphy felt the proposed change makes it clearer. Mrs. Porter also agreed the Planning Commission language is clearer.

Mrs. Wetterman asked if the board needs a motion on each text amendment or if the board can make the motion to accept the modified amendments at the end for recommendation to the Trustees. Trustee Kusnerak stated the board can make the motion at the end for recommendation and can send to the Trustees for their meeting next week. Secretary Milanko stated she would forward the ZC recommendations to the Trustees along with the Medina County Planning Commission staff report before the Tuesday Trustee meeting.

➤ **Revised deck definition confirmed by board.**

Deck : **An above ground platform** 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. Wetterman read the revised definition of Institution into the record:

- **Revised definition of Institution:** A building occupied by a non-profit corporation or a non-profit establishment for public use, **including places of worship.**

➤ **ZC Comments:** *All board members agreed with the recommendation.*

Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use, **including places of worship.**

Secretary Milanko read Sec. 303-5 (6.) General Regulation of Lots into the record:

- **Sec. 303-5. (C.) (6.) 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.

Secretary Milanko stated the ZC is recommending removal of “or rear” yard because the ten (10) feet maximum applies to the front yard only.

Planning Commission Comments: *It is not clear why projections into the rear yard would not be permitted.*

ZC Discussion: Mrs. Wetterman stated we are taking out “or rear” yard, which means it would be permitted. Mr. Collura said I don’t think they understood that the restriction here for the ten (10) feet applies to the front yard and you can’t really put a number on the rear yard because it varies depending on how far you are off your back property line, etc. He said different areas have different requirements for that so you can’t just put a one distance that is all for the rear yard. Mrs. Wetterman agreed. Mrs. Porter and Mr. Kelly agreed. Mr. Mougrabi and Mrs. Murphy agreed to keep the text as the ZC proposed. Mr. Collura said for clarification, should there be another sentence after this saying that distances for the rear yard are defined elsewhere? Mrs. Czyz suggested changing the title of Sec. 303-5 (C.) Projections into Yard Areas to: Projections into **Front** Yard Areas. She said that would clarify it is for the front yard and then remove “or rear”.

Secretary Milanko referenced Sec. 303-5 Projections into Yard Areas and asked if there are other things in there that might pertain to the rear yards. The board reviewed Sec. 303-5. Mr. Humphrey said there are a couple of things in there including percentage of yard, etc. Secretary Milanko said 303-5 (C.) (1.) mentions accessory buildings and those are only allowed in the rear yard. Mr. Collura said that Mr. Humphrey is saying there are requirements that are defined elsewhere.

Mrs. Czyz said that is why I said put “front yard” into Projection Into Yard Areas and that is specifically for front yards. Mr. Humphrey said she is suggesting just changing the title of the section. Mrs. Murphy disagreed and said that title applies to a lot of other things, not just #6. Mrs. Wetterman noted #1. Accessory buildings and those are for the rear yard. She also noted parking vehicles are regulated, fences, etc. which all have their own dimensions in that section. Mrs. Wetterman asked if we change the title to put “front” yard in there, is that going to restrict all of the other sections that are in there? Mrs. Czyz said yes and Mrs. Murphy is right, so the board should leave the title and just remove the words “or rear” yard from the definition.

ZC The board agreed they would leave the text amendment as proposed.

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| <ul style="list-style-type: none">• <u>Sec. 303-5. (C.) (6.) General Regulation of Lots</u>
<u>C. Projections Into Yard Areas</u> - 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. |
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- **REMOVE Sec. 303-6 (N.) Satellite Dishes.** Remove entire Section. 303-6 (N.) Satellite Dishes and make Sec. 303-6 (O.) Ponds Sec. 303-6 (N.)

Planning Commission Comments: *The township has elected to delete the satellite dish text because the text regulates outdated technology. According to the Zoning Inspector the township has not issued a permit for a satellite dish in over twenty years.*

Sec. 303-6 (N.) Satellite Dishes — A satellite dish is a structure designed to receive signals from a transmitter or transmitter relay located in planetary orbit. Satellite dishes with a diameter of more than one (1) meter shall comply with the regulations established below:

- ~~1. Permits No person, firm, partnership, corporation, trust or other legal entity shall construct a satellite dish antenna without a permit from the Township Zoning Inspector, nor shall construction commence before a permit is issued.~~
- ~~2. Location
 - a. In all residential areas satellite dishes shall be constructed between the rear of the principal building and rear lot line. If rear yard reception is not feasible, a location between the principal building and either side lot line may be used, if approved by the Township Zoning Inspector.
 - b. In all commercial areas, satellite dishes shall be constructed between the area of the principal building and the rear lot line or on the roof.
 - c. A satellite dish, including its mounting structure, shall not exceed a grade height of fifteen (15) feet in a residential area.
 - d. Satellite dish antennas shall be no larger than twelve (12) feet in diameter.
 - e. All parts of the satellite dish antenna, including its concrete slab base or any other substructure, shall be constructed in accordance with setback and yard requirements.
 - f. No satellite dish antenna shall be linked, physically or electronically, to a receiver which is not located on the same lot, premises or parcel of land as is the satellite dish antenna.
 - g. No more than one (1) satellite dish is allowed per dwelling unit.
 - h. Rooftop dishes are not to exceed 24" in diameter in any residential area.
 - i. There shall be no advertising on a satellite dish antenna, nor shall a satellite dish be used as part of a sign structure.~~
- ~~3. Installation The owner shall be responsible for obtaining any necessary electrical permits from the Medina County Building Department. Satellite dishes shall be installed and mounted to meet or exceed the manufacturer's specifications and shall be grounded to comply with the latest edition of the National Electrical Code. Wiring between the dish and any other structure shall be installed underground in accordance with the latest edition of the National Electrical Code.~~

Ø. N. Ponds - Pond(s) shall be constructed such that its surface area and embankments

➤ ***ZC Comments: All board members agreed to remove entire Sec. 303-6 (N) Satellite Dishes and amend ponds to N. Ponds.***

PUBLIC COMMENT: None

Zoning Commission Recommendation to Board of Trustees

Motion: Mrs. Murphy moved to send the proposed text amendments to the Trustees as modified. Mr. Kelly seconds. **Roll Call:** Mr. Mougrabi-yes; Mr. Kelly-yes; Mrs. Murphy-yes; Mr. Collura-yes; Mrs. Wetterman-yes.

Motion to Adjourn Public Hearing: Mrs. Wetterman closed the public hearing at 7:20 p.m. All in favor.

Respectfully Submitted,

Mary Jean Milanko, Secretary

Patricia Wetterman, Chair

Date