

**Brunswick Hills Township Board of Zoning Appeals
Regular Meeting Minutes
Township Hall
January 5, 2022**

Call Meeting to Order

Chairman, Cliff Kersten called the Brunswick Hills Township Board of Zoning Appeals regular meeting for January 5, 2022 to order at 7:50 p.m. A roll call of the board was executed.

- **Board Members in Attendance:** Cliff Kersten, Ron Wetterman, Ann Barron, Linda Kuenzer
- **Alternate Board Members in Attendance:** Gregg Timura
- **Board Members Not in Attendance:** Chris Schigel (Excused Absence)
- **Others in Attendance:** Evelyn Czyz, Zoning Inspector, Trustee Trica Murphy, Zoning Liaison, Mary Jean Milanko, Secretary.

Gregg Timura, alternate, was seated to represent a quorum of five members.

Mr. Kersten stated there are no cases before the board tonight. The Brunswick Hills Township Board of Zoning Appeals acts within the regulations of Sec. 519 of the Ohio Revised Code.

APPROVAL OF MINUTES

1. November 3, 2021 Regular Meeting Minutes

Motion: Upon no edits or corrections, Mr. Wetterman moved to approve the minutes as written for the November 3, 2021 meeting. Ms. Kuenzer seconds. **Roll Call:** Ms. Barron-yes; Mr. Timura-abstain; Mr. Wetterman-yes; Ms. Kuenzer-abstain; Mr. Kersten-yes.

2. November 18, 2021 Special Meeting Minutes

Secretary Milanko stated the BZA had a special meeting on November 18, 2021 to approve and sign the Conclusion of Facts letter for 1595 Substation Road, Turnberry Self-Storage Units. No edits or changes to the minutes. **Motion:** Mr. Wetterman moved to approve the November 18, 2021 BZA minutes. Ms. Kuenzer seconds. **Roll Call:** Ms. Kuenzer-yes; Mr. Wetterman-yes; Mr. Timura-abstain; Ms. Barron-yes; Mr. Kersten-yes.

OLD/CONTINUED BUSINESS: None

NEW BUSINESS

1. Evelyn Czyz, Zoning Inspector, stated the board has a new application for 1868 Pearl Road, Family Tavern, to be heard at the February 2, 2022 meeting and distributed the application.

2. Ms. Czyz stated she passed out the Medina County Planning Commission meeting schedule and filing deadline for 2022.

3. Ms. Czyz distributed the new revised township zoning map (dated November 2021) and indicated there were some new district colors on the map and that she and Trustee Kusnerak deleted the properties that were annexed to the city. She stated that the new street, Wexford, has been added in and the large maps are being laminated and one will be hung in town hall. Ms. Czyz stated this map is already out of date as the new streets for the Redwood Apartments (Pearl Road & Sleepy Hollow Road) are not on here because those street names have not been assigned yet.

Ms. Czyz said she had little to do with the map district colors as those are mandated by the engineers and the State of Ohio and different municipalities. Ms. Czyz stated she will be working with the Medina County Engineer's Office to do a street map, but will do it in quadrants that will be beneficial to our safety forces and service department.

ADDITIONAL BUSINESS

Mr. Kersten asked if new member, Gregg Timura, was familiar with the procedure when the board receives a new application and said you have the right to go on the property. He said you go by yourself; you can't go with another person or board member. If it's a house you knock on the door. Mr. Kersten said you cannot take pictures, but you can take a tape measure if you want. He said you can't talk to anybody but you can go on the property. Ms. Czyz interjected and said and only if they've given you permission to be on the property. She said on your application checklist for 1868 Pearl Road, it does ask if the applicant gives permission for a member of the Board of Zoning Appeals, the Zoning Inspector, or a representative of the Fire Department to visit the property and it is a yes or no question. This application says please make an appointment before visiting the property, so this applicant wants an appointment made prior to visiting the property and that is what you have to adhere to. Mr. Kersten said are you referring the bar up here on Pearl Road? Ms. Czyz stated that is correct. Mr. Kersten stated that's funny because it is public property in a sense. Ms. Czyz interjected and said no, it's private property. It's a commercial piece of property and it is private property.....Mr. Kersten said let me finish please. I'm not trying to make an argument, I just want to make a statement and said anyone can go on that property and go in the bar. Ms. Czyz said they can go into the bar, yes, but they cannot take and...Mr. Kersten banged the gavel and said you are out of order. Ms. Czyz said no, I am going to explain this because the authority you have...Mr. Kersten said I'm tired of you arguing and interrupting all of the time. Ms. Czyz said what you will be looking at is behind the bar. Just going into the bar is one thing, but you are going behind the bar.

Mr. Wetterman had a question on another matter and said if you were to go there as a board member, I would assume that someone from the facility or the owner would want to walk with you and then you've met the owner so you may have to disqualify yourself. Ms. Czyz said you can meet the owner because you can meet a property owner. You can go on the property and say I am here on behalf of the Brunswick Hills Township Board of Zoning Appeals for the variance you filed and ask to look at that; you just cannot have a discussion regarding that. Mr. Wetterman said so what happens when the chairman asks if you know the applicant at the hearing. Ms. Czyz said you can say, yes, I went to his home, his business, etc. Mr. Wetterman said so that will not disqualify you then? Ms. Czyz said that will not disqualify you. Secretary Milanko stated that is a good point because this particular applicant was here a few months ago, so he's been in front of each board member. She said you don't know him personally, but he has presented a case and is coming back, but you don't have to recuse yourself. Ms. Czyz said that is correct. Mr. Wetterman said if a friend calls and says hey, meet me up at the Family Tavern, that's ok? Ms. Czyz said yes, you can go up there.

Mr. Timura said he was curious to the reasoning for not being able to take a camera to the property. He said I am aware of it, but I am curious as to why. Mr. Kersten said at one of the training programs we attended, another board member and I had taken pictures of an applicant property concerning a deck and a swimming pool. We were notified by the attorney that you cannot do that. Mr. Wetterman asked if it would be considered a violation of privacy? Secretary Milanko stated they also said if you visit the property, you are seeing it visually, but you can also go on google maps and look at aerial photos to get a bird's eye view. Mr. Kersten mentioned again that two board members visited the property together and you can't do that. Secretary Milanko said that you don't want it to appear that you might be discussing it together and forming a decision together. She said the same is true with the property owner not to try to persuade you in your decision. Mr. Timura said I understand that you can go there, but you are not to be engaging with them. Ms. Czyz said she always tells the applicant that when a board member comes to see you, they are not

allowed to speak to you. Secretary Milanko and Ms. Czyz said the questions for the applicant will come out at the hearing.

Ms. Czyz said and to answer Mr. Waterman’s question, if they have on this form that you cannot go on the property without an appointment, they can get you for trespassing. If you are on that property, they are liable if you should fall when you are there without permission.

PUBLIC COMMENT: None

ANNOUNCEMENT OF NEXT MEETING DATE:

Wednesday, February 2, 2022 @ 7:00 p.m. for the Family Tavern, 1868 Pearl Road.

MOTION TO ADJOURN

Mr. Wetterman moved to adjourn the meeting. Ms. Kuenzer seconds. Roll Call: All in favor to adjourn.

Meeting officially adjourned at 8:10 p.m.

Respectfully Submitted,
Mary Jean Milanko, Zoning Secretary

Cliff Kersten, Chair

Date