

**Brunswick Hills Township
Zoning Commission Regular Meeting Minutes
March 3, 2022**

Call Meeting to Order

Chair Wetterman called the Brunswick Hills Township Zoning Commission March 3, 2022 regular meeting to order at 7:00 p.m.

A roll call of the board was executed.

- **Board Members in Attendance:** Patricia Wetterman; Robert Norton; Ed Kelly; Sy Mougrabi; Donald Kuenzer
- **Alternate Board Members in Attendance:** Barb Porter, Dean Collura
- **Others in Attendance:** Evelyn Czyz, Zoning Inspector; Wes Humphrey, Assistant Zoning Inspector, Trustee Trica Murphy, Zoning Liaison; Mary Jean Milanko, Zoning Secretary

Mr. Norton led the Pledge of Allegiance and moment of silence for the people of Ukraine, our military here and abroad and first responders.

SWEARING IN OF BOARD MEMBERS

Trustee Trica Murphy swore in Sy Mougrabi and Donald Kuenzer as full board members for 2022.

APPROVAL OF THE MINUTES

1. Approval of the ZC January 6, 2022 Organizational Meeting Minutes

A correction was noted on page 3 under #5. Re-Adoption of the Brunswick Hills Comprehensive Land Use Plan to change Mrs. Collura to **Mr. Collura**.

Motion: Mr. Norton moved to approve the January 6, 2022 Organizational Meeting Minutes as noted. Mr. Kelly seconds the motion. **Roll Call:** Mr. Norton-yes; Mr. Kuenzer-abstain; Mr. Kelly-yes; Mr. Mougrabi-abstain; Mrs. Wetterman-yes.

2. Approval of the ZC January 6, 2022 Regular Meeting Minutes

Mr. Norton noted a correction on page one, 6th paragraph, second sentence, to remove “~~as he was not at that meeting~~”. Mr. Norton noted he was at the meeting. Correction on page 2, second paragraph, change Mrs. Wetterman said which brings us protection for the small houses – to which brings us protection **from** the small houses. Mr. Collura noted a correction on page four under Public Comment change Note to **None**.

Motion: Mr. Norton moved to accept the minutes as noted of the ZC Regular Meeting, January 6, 2022. Mr. Mougrabi seconds the motion. **Roll Call:** Mr. Kelly-yes; Mr. Kuenzer-abstain; Mr. Norton-yes; Mr. Mougrabi-abstain; Mrs. Wetterman-yes.

OLD / CONTINUED BUSINESS:

1. Review and Adopt Amended Bylaws from the January 6, 2022 Organizational Meeting

Discussion on Bylaws: Mrs. Wetterman noted on page three the bylaws say the *submission deadline for the Zoning Commission is the first Wednesday of the month to the Zoning Inspector to be placed on the following month’s agenda*. She noted on the bottom of the page it says that *anything that is to be delivered to the Zoning Commission member shall be delivered no less than five (5) working days prior to the public hearing or regular meeting*. Mrs. Wetterman said we will be doing that and I believe that is to be handed to the Secretary to be recorded because we have to keep track of our documents. Mrs. Wetterman said she did not have any edits; she was just restating what is in our Bylaws.

Mr. Mougrabi asked if five (5) days is enough time? Mrs. Czyz said this board does not meet on the first Wednesday of the month so anything that may come in for this board, the Secretary is notified and then it is distributed by her the next night at the ZC meeting. She said sometimes people don't come in until that Wednesday, so it may not be five days ahead of that time.

Motion on Bylaws: Mr. Norton moved to approve the Brunswick Hills Township Zoning Commission Bylaws. Mr. Mougrabi seconds. **Roll Call:** Mr. Kelly-yes; Mr. Norton-yes; Mr. Kuenzer-abstain; Mr. Mougrabi-yes; Mrs. Wetterman-yes.

2. **Discussion on how to define "Front" of building for porch or deck.**

- see definition of front yard Page 15, Line 20.

Mrs. Wetterman said this came up for discussion because there are houses in the township where the front of the house is not necessarily in the front yard. She said there is one on Rt. 303 where the front of the house faces west. We were going to discuss it to see if it should read as it is. She referred the board to page 15 of the zoning book:

Yard, Front: *A yard extending across the full width of a lot and being the perpendicular distance between the street right-of-way line and the nearest portion of any building or structure existing or proposed for construction on said lot.*

Mrs. Wetterman said if there is not a front of the house there, do we really need that in there? How do we accommodate these houses that are being built on the crooked side of the lot? Mr. Mougrabi said I don't understand what we are trying to do and asked if this came up because of one house isn't perpendicular to the street? Mrs. Wetterman said our definition states perpendicular distance between the street right-of-way and the nearest portion of house is the definition of a porch. These houses that are sitting sideways on the street do not have the front of the house facing the street and they don't fit the definition of a porch or the front of a building. She said the front of the building is here facing the street, but the entrance is not. Mr. Mougrabi said so somebody built a deck on the side of the house instead of the front and they must have had a permit so would that be considered the rear yard?

Mr. Humphrey said any projection cannot protrude more than 10 feet from the building setback line. He said so if the deck is 12 ft. that is wrong; it's 10 feet and to me it would make the zoning because it is built on the setback line whether or not it's the main door, or it's a turned garage, it's built on the setback line. He said many communities have turned garages because they don't what the garage doors facing the street. Mr. Humphrey said the house had to conform to the lot, so if it is on the setback line it says that you can protrude 10 feet for a porch, but no more than 10 feet.

Mr. Mougrabi referred to the definition of Yard, Side and asked if that is the definition it belongs to.

Yard, Side: *A yard between the nearest portion of any building or structure existing or proposed to be constructed on said lot and the side line of the lot and extending from the front yard to the rear yard.*

Mr. Humphrey said some houses have addresses on the side lot, on the side of the house and not on the front of the house; it depends on how the post office does it. He said on the corner of Montgomery Drive, the front of the house faces Montgomery, but the address was on Creekside. Mr. Mougrabi said there is a house on Autumnwood where I used to live that the post office address says Country Way, but the front of his house is on Autumnwood. He built his deck on the backside, so technically, it would have been on the side and he met the 10-foot setback.

Mrs. Czyz stated the post office does not determine the address; the address is determined by the Tax Map Office. She asked where the property on Center Road is that was referred to. Mr. Humphrey said it's next to the old station house with six apartments on Rt. 303 and Substation Road. He said they have two entrances and they have six gas meters. Mrs. Wetterman said the front of the house right next to it faces west. Mr. Norton said that was the only way he could conform to the property and meet the setbacks. Mr. Humphrey said there is another house older than that one on Substation by Cabernet Drive that is a brick home and the front porch is facing south, but the side of the house is facing Substation Road. He said which then becomes the front of the house because we don't say your front door has to face the road. He said you could make a wraparound porch as long as it is not more than 10 feet and you need to get a permit.

Mr. Mougrabi asked what are we looking at here? Mrs. Wetterman said we are talking about it because it says the front of the building and that is where the door is, correct? Mr. Humphrey said it is from the right-of-way to the building setback because we don't determine the doorway has to be in the front of the house. He said I don't think it is an issue. Mrs. Wetterman said somebody brought it up for discussion. Mrs. Czyz said we haven't had that issue since we've been here because those two houses you are referring to have been there for a long time. Mr. Humphrey said one of the houses was here before the township became the township and there are a lot of homes that way. Mrs. Wetterman said someone was objecting to the front porch on the house on Rt. 303 where the front of the house faces Substation Road; it does not face Rt. 303.

Mr. Norton said that is not what we just said. We said the side of the house that faces the street will be the front of the house even if there is no door in it. He said so if he is putting a porch on the side of the house, as far as I read, he can go within 10-15 feet of the property line because he is not projecting 10 feet into the setback. He said I understand the front of the house is here, but he is already on the setback and he is not interfering with the setback, he is going to the side. Mr. Humphrey said right, but according to the setback line, it would be 10 feet because that is where he put the house even though it is the side and he turned it probably because he couldn't fit the house on the lot otherwise. Mr. Humphrey said according to the Tax Maps, that would be considered the front of the house with the address. He said so if they want a 10-foot deck, open porch deck, or whatever you call it, he can do it. He said he may put a door there because the garage is to the north, so he could put a slider out of a bedroom onto that porch. Mrs. Wetterman said he could do a wraparound porch as long as he is within the 10 feet and in the back it doesn't matter. Mr. Humphrey said you can't take up more than 20% of your rear yard and you have to have 25 feet of a year yard, so if he went back, it's not like he can build the whole thing as we would have to see the plans and take the measurements.

Mr. Collura said what if you eliminated the word "front" of the house because it is really the face of the house nearly parallel to the road that has to have the setback, right? Mr. Humphrey said the house has to sit on the setback building line, whether that is the side and he wants to flip it around so his front door is facing the woods. Mr. Collura said you could have a house turned 90 degrees on that lot and they have it turned 180 degrees, so if just by the definition, I thought the word front is just whatever faces the....Mr. Humphrey interjected and said, but it is the front; the setback line is the front. Mr. Collura asked, no matter what portion of the house it is? Mr. Humphrey said correct, so if you take that away, it would take away from a lot of what we do, so you don't want to take "front" out of there.

Mr. Humphrey noted page 7 of the zoning book and read the definition of Building Setback Line, Minimum and said this defines the discussion when we said side of the house, it is actually the front of the house, so it is in the book. End of discussion.

Building Setback Line, Minimum: *A line parallel to the street right-of-way line at a distance there from equal to the required depth of the front yard, extending across the full width of the lot. Where a major thoroughfare or collector thoroughfare is designated on the Comprehensive Land Use Plan, the minimum building setback line shall be measured from the proposed right-of-way line.*

New Documentation: Mrs. Czyz gave the Secretary a handout for distribution to the board entitled: **The Complete Illustrated Book of Development Definitions**, Fourth Edition. Mrs. Czyz stated I made a copy of this because it is the latest copy I have that refers to “Yard” and “Front Yard” and then “Accessory Structure” for discussion tonight. The board will review for the next meeting.

3. Review Zoning Resolution Page 55 of 119 408-2B-2, Take out Churches and "other". Leave rest. Chair Wetterman tabled topic to move to New Business or Additional Business for next meeting.

4. Review Zoning Resolution Page 98 of 119 804-5, Take out Churches and "other" from heading. Leave rest. Chair Wetterman tabled topic to move to New Business or Additional Business for next meeting.

5. TABLED: New Definition of Deck for Text Amendment Review

6. TABLED: Review of the Comprehensive Land Use Plan

Mrs. Wetterman asked Trustee Murphy if the Trustees have heard anything more about working on the Comprehensive Plan. Trustee Murphy said not yet because we are still waiting to hear on the grant. Mrs. Wetterman said we will leave that as tabled.

Board Discussion: Mr. Collura said he’s been watching the newspapers when townships and other organizations are having their meetings and noted that Hinckley has had a couple of meetings already on their Comprehensive Plan. He said since it is open to the public, we could go to the meeting and listen. He said it might be worthwhile as we might pick something up there. It was noted that the Hinckley Township meetings are listed on their website and in the Gazette.

NEW BUSINESS:

1. Zoning Resolution Definition of Accessory Building, Page 6 Line 1, - consider revised definition.

Mrs. Wetterman asked the board to review the definition of accessory structure in the handout from Mrs. Czyz.

2. Zoning Resolution Page 8, discussion to add definition of "Living Area" of 1250 minimum square feet per unit; to first line of Dwelling section.

Mrs. Wetterman asked the board to review sections in the code that discuss the minimum of 1250 living area. She said it needs to be added to the dwelling sections in the R-1 and R-2 zoning.

Mr. Humphrey said this is covered in our definition of Floor Area as it tells you how to calculate the living area. He said so maybe you take Floor Area and make it Living Floor Area and put it under “L” in the definitions.

Floor Area: *The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of exterior walls or from the centerline of common walls separating two (2) buildings. Floor area, for the purpose of these regulations, shall not include basement, garage, elevator and stair bulkheads, attic space, terraces, breezeways, open porches, and uncovered steps, but may include utility areas when part of the main floor.*

Mrs. Wetterman said people that want to build a house are not zoning savvy and they see Floor Area in the book and it says shall not include the basement and the garage, but it doesn’t say how much floor area is allowed or the number of square feet. Mr. Humphrey said that is located under General Provisions so it is already there. If you put in a new definition for living floor area it will be redundant. He said on page 24

it tells you what single-family dwellings must follow for minimum living floor area per dwelling unit for all zoning districts. He said we don't do apartments because they are a single-family dwelling, but there is nothing less than 1250 sq. feet going up in the township. Mrs. Wetterman asked how a citizen building a house will find that in our book. Mr. Humphrey said if you hire a contractor to build the house they will know exactly where to go in the book. He said if they bring a plan in and it is 1150 sq. feet, we tell them they have to redraw their plans to meet the minimum 1250 sq. feet, so we tell them that. Mrs. Czyz asked, would hurt to put in the definition to see page 24 and the section number; no, it wouldn't hurt to put that in.

Mrs. Czyz said if a layperson comes in, we are going to tell them that 1250 sq. feet is the minimum. Mrs. Wetterman said what if there are two different buildings and one is an in-law suite, does that mean the in-law suite has to be 1250 sq. feet? Mrs. Czyz said we don't allow in-law suites. You can put on an addition to your home, but once it has a separate meter, now it becomes a multi-family dwelling unit. Mr. Humphrey said we allow one house / meter per lot. Mr. Norton said I have two barns, so are you telling me I can't put a second meter on my barn? Mrs. Czyz said no because then it is another dwelling because it is habitable with the second meter. Mr. Norton said the barn is not habitable, it holds construction equipment. He referred back to floor area and said we don't include the basement so what happens if they finish it? Mr. Humphrey said it's considered a rec room and it's not technically a living space. Mr. Norton said you can finish your basement off and put a bedroom in there as long as there is an egress window. Mrs. Czyz agreed. Mr. Norton said you have to include that because it is now living space, so I don't think this definition of floor area is quite right either. Mrs. Czyz said for that we don't issue a permit because you are not adding on, but the building department does for following building codes. Mrs. Czyz said we have had garages that are finished and they are included in that living area. Mrs. Wetterman tabled the discussion for living area to the next meeting.

ADDITIONAL BUSINESS:

New Document: Mrs. Wetterman distributed a document of Zoning Commission topics for discussion at the April 7, 2022 meeting on "Churches". She said we've been working on removing the word "churches and other buildings" from the definition so that buildings and churches with schools can be listed as commercial buildings. She said going through the book, there are nine (9) sections in the book that need to be changed.

Mrs. Wetterman passed out sticky notes to board members and said the first thing on your list says page 35, Sec. 402-2-B-4 where it says "Churches and other". She said it might save time to put on the sticky note "Sec. 402-2-B-4 strike out "Churches and other". She said then when we are discussing it, we can go right to the page, talk about it, pass it or not pass it to speed things up. She said then when it is done and turned over to the Trustees for acceptance, we can take our sticky note and stick it on the page so we know it has been taken care of.

Discussion: Mr. Humphrey said I have a small concern about removing it all and asked if you remove it all, are they allowed to have a school or a gym? Mrs. Wetterman said you are removing "churches and". We changed the definition of churches to the congregation; a church is not a building. Mr. Humphrey noted the wording in Sec. 402-2-B-4 and said we have churches that have schools and gyms. He asked if that would enable them from putting a gym in or a school?

Sec. 402-2-B-4. Churches and other buildings for the purpose of religious worship subject to Subsection 804-5.

Mr. Humphrey said the word "church" is probably not the right word, so maybe use "other buildings for the purpose of worship or congregation; and other buildings related to the property". In other words, if you have a gym and a school you could put it in there. He said but if you take "other buildings for the purpose of religious worship subject to Subsection 804-5 out, that would eliminate schools and gyms. Mr. Humphrey referenced St. Ambrose which has schools, gyms, baseball diamonds, etc. Mr. Humphrey said I'm just making sure that what we are doing here doesn't eliminate that for someone later on for another

church. Mrs. Wetterman not from the definition of a church because if you take out “churches and other” it will say “*Buildings for the purpose of religious worship subject to Subsection 804-5*. She said that gives them permission to put things up because they are considered commercial buildings. She said you can have places of worship if you are not Christian and they worship in a house and that is considered a building.

Mrs. Czyz said when you say you can worship in another building like a house, you can worship in your house and nobody can say a thing about it, but the difference between a church and worshiping in your home is your home is taxed and a church is not taxable. Mrs. Wetterman said that is why we are taking out “church” because a church is not a building. She said I’ve talked to several people and a church is considered by 100% of the people to be considered the congregation. Mrs. Czyz said, when it is used as a church because there is a building on Pearl Road that was used as a church and it has been converted into a commercial building and it still remains as a building/structure. Mrs. Wetterman agreed and said that is why we are taking out churches. Mrs. Czyz said as long as that building is used as a church. Mrs. Wetterman said no, because as Mr. Humphrey said you have schools that have gyms, like St. Ambrose and Grace Baptist Church and Southwest Baptist Church on N. Carpenter Road. These are buildings that are considered for worship, gyms, etc. and considered a commercial building, it is not considered quote, “a church”.

Mr. Mougrabi asked if a property is deemed as a congregation/church, can they put whatever they want on that property by getting building permits for whatever they want to build or make it bigger? Does it change from church to commercial? Mr. Mougrabi said St. Ambrose is a huge congregation and they keep building and building, so do they have specialty rules? Mr. Mougrabi asked if that means they can build whatever they want as long as they follow our guidelines, building and fire codes? Ms. Czyz said yes and said the Board of Zoning Appeals had that with Southwest Baptist Church, but looking at St. Ambrose, they will also use their hall for congregation when they have the overrun for mass like on Easter Sunday. She said that is a taxable building. She said it is sporadic when they use it for congregation but we would still require a permit for it.

Mr. Norton looked up definitions of churches and said one says *a building*, and one says *the congregation or the people who attend a religious ceremony*. Mr. Mougrabi asked if it is illegal for them to worship in that gym because it is not a congregation? Mr. Norton said there are people that rent school buildings just on Sundays for worship. Mrs. Czyz said this is one of those questions you can get a million different answers for. Mrs. Wetterman said technically and legally according to law, you are not supposed to mess with religion, buildings or whatever. Mr. Mougrabi said but they just had a worship in a building that was taxed. Mrs. Wetterman said by law, you cannot regulate a congregation. Mr. Mougrabi said but isn’t that what we are doing now? Mrs. Wetterman said no; by taking the word church out you are not regulating their religion or congregation; you’re regulating the building. She said if they rent a gym for service, they pay for the service and the church as to declare that as income. She said that is why we are taking out “churches” because it is confusing about the building. Mrs. Wetterman said most churches are considered by our building department to be commercial buildings, but they are not taxable. She said according to the law you cannot tax religion. Mr. Mougrabi said I just want to be sure that if they want to build a building, and it is not a house of worship, they can. It says in here churches and other buildings for the purpose of religious worship....so I want to make sure I am understanding all of these definitions here. He said we are striking out the word “churches” but Sec. 804-5 states regulations for Churches and Other Buildings for the Purpose of Worship:

Sec. 804-5 Churches And Other Buildings For The Purpose Of Religious Worship

1. *All structures and activity areas, except open parking areas, shall be located at least fifty (50) feet from any property boundary line when adjacent to a residential district and on the side adjacent to the residential district only.*

2. *Shall be located on Major Thoroughfares and entrances or exits shall be located no closer than two hundred (200) feet from the intersection of two (2) Major Thoroughfares; or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector street.*

Mrs. Wetterman said correct and said if you just leave “buildings”, then it would be up to the building department and the government so that takes it out of our hands and by the design of the building and the permit would take out how they are going to use the building. She said that comes up when they go to get their permit. Mr. Mougrabi said so if someone is building another house of worship, like St. Ambrose, we are saying “buildings” in here. They send in their plans and they’ve deemed it a house of worship, then we are responsible by the rules here in Brunswick Hills to follow the building rules; not the house of worship. Mrs. Wetterman said correct. Mr. Humphrey referenced Sec. 804-6 Public and Parochial Schools that regulates the schools, auditoriums and gyms, but it is only in the R1 District; not in the Commercial District. Mrs. Czyz said the church or the congregation has to come to our zoning office first with their plans and then they go to the building department.

Mrs. Wetterman circled back and asked the board to mark the section numbers related to “Churches and other” on their sticky notes. She also asked the board members to mark other things in their book that they would like to discuss because there are a lot of confusing sections in our book.

PUBLIC COMMENT:

Mrs. Porter thanked Mr. Mougrabi for the questions he raised during the discussion tonight because she learned some new things and thinks the other board members did too.

ANNOUNCEMENT OF NEXT MEETING DATE: Thursday, April 7, 2022 @ 7 p.m.

MOTION TO ADJOURN

Mr. Norton moved to adjourn the meeting. Mr. Mougrabi seconds. **Roll Call:** All in favor. Meeting officially adjourned at 8:30 p.m.

Respectfully Submitted,
Mary Jean Milanko, Zoning Secretary

Patricia Wetterman, Chair

Date