

**Brunswick Hills Township
Zoning Commission Regular Meeting Minutes
May 5, 2022**

Call Meeting to Order

Chair Wetterman called the Brunswick Hills Township Zoning Commission May 5, 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, excused absence.

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

Chair Wetterman informed the board that Zoning Secretary, Mary Jean Milanko was ill and would not be attending the meeting. Chair Wetterman wanted to explain to the board why Zoning Secretary was not in attendance,

APPROVAL OF THE MINUTES

1. Approval of the ZC April 7, 2022 Regular Meeting Minutes

Mr. Collura noted a correction on page 12, under **Amended Motion on the floor**, the word “regulations” was in the sentence twice one needed to be removed. Mr. Kelly noted the date on the agenda should have been May 5, 2022. Trustee/Zoning Liaison, Trica Murphy noted incorrect date under **Call Meeting to Order** from March 3, 2022 to April 7, 2022.

Motion: Mr. Mougrabi moved to accept the minutes as noted of the ZC Regular Meeting, May 7, 2022. Mr. Norton seconds the motion. **Roll Call:** Mr. Kuenzer-yes; Mr. Kelly-yes; Mr. Norton-yes; Mr. Mougrabi-abstain; Mrs. Wetterman-yes.

New Business:

Mrs. Wetterman questioned board and Zoning Liaison Murphy regarding how much of tonight’s agenda should be covered as Wes Humphrey had been asked to give a presentation on Set-Back lines which will be helpful when definitions and zoning amendments are needed.

PRESENTATION BY ASSISTANT ZONING INSPECTOR WES HUMPHREY ON SET BACK LINES

Road right of way is not always straight. In subdivisions it is, but on Marks Road it goes back and forth. There are some yard front definitions on page 15. “**Yard Front**” if you read that, the front of the building does not have to face the road. ***Yard, Front: A yard extending across the full width of a lot and being the perpendicular distance between the street right-of-way line.*** Which varies from road to road. Subdivisions are more inline where it’s uniform, but in RR there’s a newer home by Kingsbury. The house does not face the road. At the corner the house is not facing Kingsbury or Substation direct, it’s on an angle ***and the nearest portion of any building or structure existing or proposed for construction on said lot.*** Commercial properties have set backs. C2 has a different set back then the rest of them. I believe a 30ft difference. You could put the same things in C2 on C3, and have a shorter set back.

Where a major or collector thoroughfare is designated in the Comprehensive Land Use Plan, the front yard depth shall be measured from the proposed street right-of-way line. Everything is measured from the line to the set back line. On page 14 it shows the *Street Right-of Way lines: A dividing line between a lot, tract, or parcel of land and contiguous street. Where the lot, tract, or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the boundary of and reserved for street purposes.* Is that pretty clear?

Ok, and on Page 10, **Major Thoroughfare and Collector Thoroughfare** it names the streets, **Section 303-5E-2 page 19** it gives a different depth, I believe it's 70 feet, under *Lots on Major Thoroughfares- The minimum front yard depth for any building or structure erected upon a lot having frontage upon a major thoroughfare shall be the greater of the following a. Seventy (70) feet from the street right-of-way line or b. The average depth of the nearest six (6) dwellings located on the same side of the street. c. The depth as indicated by the applicable district regulations. On other streets, the minimum front yard depths shall be as specified in the applicable district regulations.* I live on Substation, mine goes 70 ft from the road. Of the 100 ft I have, I own half way to the street, whoever had the land before me, who I bought it from, got paid for the power lines and the use of the road. Mrs. Czyz asked where you would measure... from the center of the road? Mr. Humphrey replied No, from the right of way.

Page 7 **Building principal: The building on a lot used to accommodate the primary use to which the premises are devoted.** House, store, or whatever, and right above that, it tells you how to measure the set back. **Building Setback Line, Minimum.** There are other people that have 400 ft back, but that usually is in RR. It can be in R1 as long as it's not part of a sub division because those are generally uniform and they'll say from the curb or from the center line of the road. *A line parallel to the street right-of-way line at a distance 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.* Basically, I go out there, if you drive down Galway, the pins are still up, the right-of-way pins are in. When they stake it, I take my roller and roll from the pins, allow for the easement and then measure to the house. I believe it's 40 ft, could have been 50ft, however the plans are approved. It doesn't say anything about the turning of the buildings. I can't find it. There's a house on Center that wants to come out 10 ft to put a deck on the front. Where it's actually the side but it's technically the front. Mrs. Wetterman said yes, that's what they wanted to do. They wanted to put a deck on the front, that's not actually the front of the house, it's the side. It's actually the side of the house that faces Center Road. Which is technically the front yard but has a Center Road address.

Mr. Humphrey asked for questions. Mrs. Wetterman asked when plans come in for developments, how do we know which of these we have to follow? Mr. Humphrey stated there are Sub Division regulations too that have to followed through the County which aren't in our Zoning Regulation book. Not all of it is in this book. Mrs. Czyz stated the County is working on the new Sub Division regulations and revising them. Mr. Humphrey stated he ran across where Planning Services gave a Variance? It happened on something that came before this board? Zoning Inspector Czyz also stated that the County Engineer's office also gives variances. Mrs. Porter stated it was Drees development off Sub Station that never went through. Mrs. Wetterman asked how to reference the maps that Mr. Humphrey mentioned? GIS maps. Mrs. Czyz said the easiest way is to access the GIS maps is to go through the Auditor's office. Mr. Humphrey said there are multiple views available. Lines are not straight. That's why it's difficult. When site plans for development are received everything is on there.

Mr. Collura asked about a changing definition and that the distance can change, but how it's measured maybe shouldn't. Mr. Collura stated on Page 18 it was added, January 27, 2011, they have a definition of set backs on irregularly shaped lots, and not to contradict what we had previously on irregularly shaped lots. Mr. Humphrey states it's just telling us what to do, basically what zone it's in. Mr. Collura questioned are we sure we don't have a conflict on the various pages? Mr. Humphrey stated that Mrs. Czyz may have run into odd shaped lots. Mrs. Czyz stated yes, the Estates of Sleepy Hollow has odd

shaped lots, Westbury, Southbury, Eastbury, all odd shaped lots; crossings at West Valley. Mrs. Wetterman added Autumnwood also has odd shaped lots. Mrs. Czyz stated the biggest problem now in Autumnwood, we had told Ryan Homes to build the lots bigger to accommodate a larger driveway, but they refused. Now with the families moving in, having children that will grow up and drive, now everybody wants to extend the concrete on driveway to the property line. Homeowners arguing why they can't do it. Where's all that water going to go? Into the street, creating a safety hazard. The complaints are continuous. I believe the next Sub Division that goes in, it's something that we need to take a look at. Either make longer driveways, wider driveways, or bigger lots. Mrs. Wetterman stated then that's something the Zoning Commission needs to look at. Size of lots. Mrs. Czyz stated however, if they meet the 15,000 then they meet the Zoning, so that has to be addressed within the zoning. Mr. Humphrey and Mrs. Czyz both stated if you get your Sub Division for conservation, although its not a R1 anymore its only an RR...your lots are wider. Mrs. Czyz stated every day she gets a call from a homeowner saying I need a wider driveway, and I need room for basketball hoop, and I need room for, and I need room for. So, just a mental note for zoning. Mr. Humphrey said he also gets call on this. He tells them there is no permit, they need a site plan, date it, call 811 before you do anything. Make sure there's no storm water easement. If you don't and there is, they will tear it up. Make sure you get a letter.

Mrs. Wetterman stated this is the kind of information that the board needs to know, about different lot lines going down the center of town and how they can change if they widen the road. If more road right-of-way needs to be obtained, they may have to buy more or they can take it by eminent domain. When the state needs more right-of-way land, they can take it. They don't even have to pay for it.

Mrs. Porter commented on something Mr. Humphrey brought up regarding commercial property setbacks. C1, minimum 50 ft setback; C2 minimum 80 ft setback; C3 50 ft minimum setback, she was wondering the reason for the difference, should they look at that or is that something they need to change so they would all be the same?

Mrs. Czyz asked Mrs. Wetterman if she wanted her to look in the 2006-2007 zoning books to see what it's been in the past. Mr. Humphrey stated C3 you can do everything that you can do C1 and C2. He stated that it could have been a typo but to be on the safe side, we said we'd do it in a public hearing. Mrs. Czyz read what was in the 2001 zoning book and that was how it was then. 50,80,50. So it was not a typo. In 2006 we also had a C4. (Interstate Arterial). It was the same in 2006 as well, it carried over. Mrs. Wetterman asked maybe because of the way they're labeled different districts? Mr. Humphrey stated that the set backs are for use; use or parking. Mrs. Wetterman asked and on those you can only use a certain part/amount of your land for that no matter what district it's in? Mr. Humphrey stated you have to accommodate what is being built. You'd have to look under the parking regs. That PMUO where Drug Mart is, they had to have so many parking spaces for the half...there's still a half that can go up. There's out buildings like a bank, drive-through restaurant, on the site plan. So, when they build the other one they have to put adequate parking for the amount of square footage of the other buildings. Mrs. Czyz stated there was a C5, back in 1991. Also, it was in 1991 in C3 a 50 ft set back as well. So that's how far back it goes. So, no one has thought to change that to make it uniform. Mr. Humphrey said this could be put on the list of things to change.

OLD / CONTINUED BUSINESS:

1. **Definitions of Churches and Worship.** Mrs. Wetterman has some papers for the board to look at, unfortunately she did not get them copied. Found a legal site on definition of churches and buildings that is put out by attorneys that help the churches and the definition was very interesting on how they define houses that are used for worship, how they are charged rent, and how they define and legally defend churches that want to do zoning different than for their commercial use buildings. I will try to get that copied by the next meeting. Mr. Norton found some information too and it does change the way we were looking at what is a commercial building on a church property. It does match the definition of commercial

buildings on school property. They're considered education buildings but also considered commercial buildings, so if we could redefine what we are looking at and go over those and table that.

2. **Zoning Resolution Definition of Accessory Building.** Mrs. Wetterman said board needs to review this due to different types in different zones. Different types of buildings. Some say attached to the primary building or usage, others just say tool sheds.

3. **“Living Area” 1250 square feet.** Mrs. Wetterman said the board needed to look at the zoning resolution on Page 8, to add the 1250 square ft minimum to the first line of Dwelling section. We discussed apartment building as needing to have that living space added, and we need to add it to the zoning book somewhere. I'd like suggestions as to how to do that. Mr. Humphrey stated it is in General Provisions. Everything is 1250 square feet. It's in Section 303-6L, page 24 of 119. Single-family, Two-family, Single-family attached and Multifamily dwellings which if you look under your definitions probably includes apartments. Mrs. Czyz questioned if the 1250 square feet was per unit? The answer was yes. Mrs. Czyz commented that 1250 square feet is a big unit. Mrs. Wetterman said that's what we were discussing. Mr. Norton commented that Redwood is 1250+. Mrs. Czyz stated that if it's a multifamily unit it can be also be an apartment one on top of the other, that's a decent size. Mr. Norton stated we should leave it that way, otherwise you end up with “Section 8 housing”, you get little units. Mrs. Wetterman stated so the decision on that is to leave it then. Mr. Humphrey stated that on page 8 it gives you the definitions for the Multifamily, Single-family, Single-family attached, anything with 3 or more dwelling units, so that would include your apartments. Mrs. Wetterman asked if it would be helpful to put the dwelling size in those? Mr. Humphrey stated, no he personally wouldn't do it, because if you ever had to change something you'd only have to change one spot. There was further discussion about referencing the Zoning section number after each definition but there were concerns of numbers/letters possible changing in the future if something changed. Mr. Norton noted that builders know the requirements, the only ones that may have a problem would be someone choosing to build their own home. Mrs. Czyz commented she hasn't had a home come through less than 2000 square feet in quite some time. She's now getting requests for homes that are 6000 square feet and up.

NEW BUSINESS:

1. Mrs. Wetterman stated that the Trustees are working on the Comprehensive Land Use Plan. Trustees will notify the Zoning board when they are ready for the board to take that over so we do not have to continue to table it.

2. Mrs. Wetterman stated Trustees have sent a “Pop up” business resolution to the attorney for review so that has been taken off our table as well.

3. Mr. Collura asked about the fireworks law? Mrs. Murphy said they are still waiting to find out what the law really says. Mr. Collura questioned how Hinkley could have written there's already? Mrs. Czyz stated that even if it has been written, it would be subject to change. It probably will change.

4. Mrs. Wetterman stated that the Trustees will put out an ad for a Zoning Secretary. Mrs. Milanko has decided to retire. Mrs. Murphy said they will discuss on Tuesday.

PUBLIC COMMENT: Mrs. Wetterman asked if there was any public comment. No public comment.

ADDITIONAL BUSINESS:

Mrs. Wetterman stated we have some things that have been amended that are sitting on the books that Mary Jean has copies of. Should we submit those now? Mr. Norton said we have some that we were going to hold until we had more than one or two, then send them all at once.

ANNOUNCEMENT OF NEXT MEETING DATE: Thursday, June 2, 2022 @ 7 p.m.

MOTION TO ADJOURN

Mrs. Wetterman moved to adjourn the meeting. Mr. Norton seconds. **Roll Call:** All in favor. Meeting officially adjourned at 8:02 p.m.

Respectfully Submitted,
Linda Kuenzer, Zoning Secretary

Patricia Wetterman, Chair

Date