

**Brunswick Hills Township
Zoning Commission Regular Meeting Minutes
June 2, 2022**

Call Meeting to Order

Chair Wetterman called the Brunswick Hills Township Zoning Commission June 2, 2022 regular meeting to order at 7:03 p.m.

A roll call of the board was executed.

- **Board Members in Attendance:** Patricia Wetterman, Ed Kelly
- **Alternate Board Members as voting members:** Barb Porter, Dean Collura
- **Board Members Absent (excused):** Donald Kuenzer, Robert Norton, Sy Mougrabi
- **Others in Attendance:** Evelyn Czyz, Zoning Inspector; Trustee Trica Murphy, Zoning Liaison; Linda Kuenzer, Zoning Secretary.

Mr. Kelly led the Pledge of Allegiance and moment of silence for our troops, fire and police.

APPROVAL OF THE MINUTES

1. Approval of the ZC May 5, 2022 Regular Meeting Minutes

Mrs. Wetterman noted a correction on page 2, sentence 1, Lan was missing a “D”, the word should be Land. Page 2, paragraph 2, Substation is all one word.

Motion: Mr. Collura moved to accept the minutes as noted of the Zoning Commission Regular Meeting, May 5, 2022. Mr. Kelly seconds the motion. **Roll Call:** Mr. Kelly-yes; Mr. Collura-yes; Mrs. Porter; Mrs. Wetterman-yes.

OLD / CONTINUED BUSINESS:

1. **Definitions of Churches and Worship.** Mrs. Wetterman stated there seems to be some question on the legality of changing the definition of “church and other places of worship” and asked the board for some suggestions. The question comes up when they want to put up another building. We have two in Brunswick now that are in residential districts that were approved; a third one in question due to height. What’s the Zoning Commissions feelings? Any other input? Mr. Collura stated he wasn’t sure he understood the need to change the wording of “Churches and other places of worship” as we have it now. Mr. Kelly, no comments right now. Mr. Collura asked if it was more an issue of the definition of what we are calling the building or is it clearing up the definition of how to classify these other buildings and what the requirements are. Would that satisfy what we’re trying to do here. Mrs. Wetterman stated yes, because the building on North Carpenter is classified as an accessory building but it’s more than an accessory building. They are going to be holding worship services in there, and renting out the building. But that’s between them and the tax people. Mr. Collura asked if this was something they weren’t doing before? Mrs. Wetterman said yes, it’s a brand-new building. They have class rooms, they’ll be renting it out for wedding receptions, and tent revivals. Tent revivals are a part of their worship service. If they have receptions for the congregation, it’s considered part of the function of the congregation. However, if they rent it out to other people it’s considered a commercial building. If they have basketball games in there, which they’re going to have competition coming in there, then that becomes a public building. That has different restrictions/requirements on the building which should be handled by the building department. So, is it always an accessory building? No, it can be a public building. Just like schools. When they have their gyms, they’re classified a public-school building. Does that help? Mr. Collura asked how do you police it, and then decide to

change the definition of what you're calling the building because of how they're using it, then it changes the rules as to what they have to do to comply with zoning. Mrs. Porter stated one church may build a building and use it only for worship or church function, where another church may build a building and use it to rent out. How would you classify/differentiate there? If you changed the regulations, how would you tell what they're going to be using it for? Whatever is built and what it's used for still has to comply with the building codes. We don't have a building code. It's the County building codes. Mrs. Czyz gave the example of St. Amelia's, the hall is used for worship, voting, showers, all kinds of stuff. The difference between a public school, like Brunswick High School and people using that and why its public, the school is paid for with tax payer dollars, a church is not. Mr. Kelly asked if any other communities have had this issue, if so, how have they handled it? Mrs. Czyz said not that she's aware of. She's checked with many surrounding townships. She believes Guilford Township took their "churches" definition out of their zoning altogether. Mr. Kelly asked if they have a church, what's it called. Mrs. Czyz stated it's called a church. It's under zoning as a church, and if they have a secondary building, it's what? Mrs. Czyz stated it's an accessory building, an accessory to the main building. Mrs. Murphy stated that we have "church" and "accessory building" which we'll talk about tonight. But we can't change the use after the fact. It sounds like anything else would be regulated by the Medina County Building Department. Mrs. Wetterman asked if we should leave it like it is or take it out, because we can't control it. The question was brought up do we classify it as an accessory building. Mrs. Porter asked what kind of problems have we had, have we had problems with it like it is? Mrs. Wetterman stated we had an incident with an applicant that came in for an application and was told an accessory building and it was in a residential district, and there are height limits in a residential district and he wanted the building bigger and it caused problems. Mrs. Porter stated then he would have had to go before the Board of Zoning Appeals. Mrs. Wetterman stated it was remediated. He went to building department, they told him he would need a commercial building because of the usage. Mrs. Czyz stated our zoning says one thing whatever the County classifies or taxes it is their business. I even went to the State of Ohio and to the Attorney General, and they stated its' not our problem. We handled it correctly. There are specs he would have to follow. Mrs. Wetterman stated that one of the problems was that he wanted a full kitchen in the building. Mr. Collura recommended that maybe we leave the definition of churches the way it is and maybe take a better look at the accessory buildings definition and how we are defining them. Mr. Kelly asked if it's an accessory building it has to be over 13 ft of height. Mrs. Wetterman stated that's where the problem arose, because the church wanted to go over the 13feet.

Motion: Mr. Collura moved to leave the language of "churches and other buildings for the purpose of worship" as it stands. Mrs. Porter seconds the motion. **Roll call:** Mr. Kelly – yes; Mrs. Porter – yes; Mr. Collura – yes; Mrs. Wetterman – yes.

- New Definition of Decks.** Mrs. Wetterman said a question was brought up about a deck being built next to a house and a free-standing deck. In the presentation on set back lines by Wes Humphrey, he stated that only a certain amount of your land can be used for an accessory building. Mrs. Wetterman asked Mrs. Czyz for confirmation. Mrs. Czyz stated that 20% of your backyard needs to be left open. To say you can only use 10% of that for a deck, that could be a pretty big deck. Can you build a bigger deck than 10%, is there a percentage? No, as long as you meet the guidelines. The property lot lines and it has to be "x" amount of feet from the side lot lines, the rear lot lines, and your leaving at least 20% of your rear yard open. If you're in like Autumnwood, from the back of your deck, to the back property line you have to leave at least 15 feet. That's in their Covenants and Regulations. Mrs. Wetterman stated that she believed there was a change made to the definition of deck that the elevations do not have to be 30 inches or greater from the finish grade. Mrs. Czyz stated that we do not have the right to say how high it

has to be, that's for the building department to say. They have to determine that for it to be stable it has to meet the freeze line. We just issue that they meet our requirements. Which in the subdivision may be 15 ft from the back of the deck to the back property line, 10-15 ft from the side lot line, and 20 % open, the rest is governed by Medina County Building Department. They are the ones who do the post inspections and everything else. Mrs. Porter stated then we have no say on the structure of it at all. Mr. Collura asked was there a question about whether the deck was attached or free standing? Mrs. Wetterman stated that was another question. Mr. Collura added in our discussion we said it could either or, it was still a deck whether attached to the house or free standing. It could be a platform in the back yard not near the house. Mrs. Czyz stated one might want to put a platform in the yard just to enjoy the woods. Mrs. Wetterman questioned the zoning definition of a **"Deck"- A structure without a roof which is directly adjacent to a principal building.** Mrs. Wetterman asked about a platform. Mrs. Czyz stated that a platform would be adjacent to the house. Mr. Collura asked if we were stating how close adjacent, they should be to the house. Mrs. Czyz said we are not saying how close they have to be to the house. What if you have an above ground pool on your track of land and you put a deck around it? It's adjacent to the principal building, it's set back, and it's not part of the principal building. Mrs. Porter read something she had written down from a previous discussion on the deck definition – **A platform supported by posts or pillars which may be either free standing or attached to a building. It must comply with side line restrictions and zoning restrictions.** She was not sure if anything had been done with it. Mrs. Czyz stated we have it in the definition and we have it covered. Mrs. Murphy asked if the definition of deck was sent to the trustees and had it been sent back to the board? The answer was yes. Mrs. Murphy said that the definition had sounded familiar. Mrs. Porter stated the board had a question regarding the phrase "adjacent to the principal building". Mrs. Porter shared a copy of the letter from the trustees with Mrs. Murphy. Mrs. Porter stated that in the January 2022 minutes a motion was made by Mr. Collura, on page 3 of the January minutes, recommended the revised definition of a deck – "a platform which is directly adjacent to a principal building or is freestanding". Mrs. Porter asked if freestanding could mean it could be anywhere, right? There was a roll call taken and everyone said yes to it. Mrs. Murphy stated that the letter from Christina, in the third paragraph says, "after doing more research and a lengthy discussion with legal counsel, it looks like the definition of "structure" would cover the question of adjacent to the principal building". The deck definition has been discussed, approved, sent to the trustees and is waiting to go to the Planning Commission. (No discussion).

3. **"Living Area" 1250 square feet.** Mrs. Wetterman brought up the discussion of adding the notation of 1250 square feet throughout the zoning. After Mr. Humphrey's presentation where his recommendation was it was not a good idea to add that due to future changes in the book, Mrs. Wetterman stated she felt it should probably be left as is. (No further discussion. No changes made).

4. **Zoning Resolution Definition of Accessory Building.** Mrs. Wetterman referred to the packet the board members had on Accessory Buildings. **Definition of Accessory Building or Use: A subordinate building or use located upon the same lot occupied by the principal building or use and which is customarily incidental to said principal building or use. A tool shed, detached garage, carport, gazebo, pergola, and similar permanent and semi-permanent structures shall be considered as accessory uses and/or buildings.** That explains a definition of accessory buildings. However, it says customarily incidental to said principal build or use. This is where the discussion was. Principal structure was the question on an accessory building. Which leads us to common accessory buildings, greenhouses, garden structures, playhouses and principal buildings. We have storage units going in that have not been defined as having a principal building. If they

have one storage unit does that become a principal building. Is discussion required, Mr. Collura asked if storage units have to have a principal building. Some units don't have offices, so what then is defined as the principal building? Mrs. Wetterman asked if they don't have a principal building are they accessory buildings? Mrs. Czyz stated she was trying to think of what storage unit would not have an office. She also gave the definition of "Accessory Structure" from The Complete Illustrated Book of Development Definitions (Fourth Edition) By Moskowitz, Lindbloom, Listokin, Preiss & Merriam. *A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.* Ironically enough most of the townships have adopted that wording. Whether it's Medina Township, Granger Township, Lafayette Township, or Montville Township they adopted that definition. Mrs. Czyz asked Mrs. Wetterman if she would like a copy of the definition, Mrs. Wetterman said no, she has it but not with her. She also apologized to the board stating the past 2 months have been very hectic. She then asked if the board felt that the definition should be changed? Mrs. Czyz asked if ours was really that different? Mr. Collura stated that if this is what the other townships are using and they haven't had any issues, maybe being less complicated would make sense. Mrs. Czyz stated that we just added one other sentence to ours which was *A tool shed, detached garage, carport, gazebo, pergola, and similar permanent and semi-permanent structures shall be considered as accessory uses and/or buildings.* Mrs. Czyz also stated that she felt that our definition was really good the way it was because it went just a bit further to define an accessory build. Is a carport an accessory building, yes, it can. Mrs. Czyz asked why reinvent the wheel? Mrs. Wetterman stated that if something is brought up to her, then she has to discuss it. That's why we have someone from Zoning come in to speak with us. (No further discussion, No changes made).

Mrs. Wetterman stated that concludes the Old Business and that clears up the agenda.

NEW BUSINESS: No new business pending. Any objection to not have a meeting in July? Zoning secretary will be out of town, Mrs. Wetterman would not be here, Mr. Norton would not be there, and Mr. Collura may not be able to make it.

Motion: Mrs. Porter made a motion to not have a meeting in July; Mr. Kelly seconded the motion. **Roll call:** Mr. Collura – yes; Mrs. Porter – Yes; Mr. Kelly – yes; Mrs. Wetterman – yes

No Meeting in July (July 7, 2022)

ADDITIONAL BUSINESS: Mr. Collura asked about Hinkley turning down fireworks, and now Brunswick doing the same thing, with regard to the legality of regulating, are we going to considered doing anything? Mr. Kelly asked what they had done. Mr. Collura stated they were not permitting a facility to manufacture fireworks within the city/township limits. He also inquired if this should be something that the board should discuss at the next meeting. Mrs. Czyz stated that it is something that should go before the trustees, only they can to put on a moratorium. Even if we did something the trustees would trump our decision if they did not agree. Mrs. Murphy will bring it up with the trustees at their next meeting.

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

ANNOUNCEMENT OF NEXT MEETING DATE: Thursday, August 4, 2022 @ 7 p.m.

MOTION TO ADJOURN

Mr. Collura motioned to adjourn the meeting. Mr. Kelly seconds. **Roll Call:** All in favor. Meeting officially adjourned at 7:58 p.m.

Respectfully Submitted,
Linda Kuenzer, Zoning Secretary

Patricia Wetterman, Chair

Date

Approved October 6, 2022