

**Brunswick Hills Township Board of Zoning Appeals
Public Hearing Meeting Minutes
Township Hall
March 1, 2023**

Call Meeting to Order

Chairman, Chris Schigel called the Brunswick Hills Township Board of Zoning Appeals Public Hearing meeting for March 1, 2023 to order at 7:01 p.m. A roll call of the board was executed.

- **Board Members in Attendance:** Chris Schigel, Cliff Kersten, Ron Wetterman, Ann Barron, Gregg Timura
- **Alternate Board Members in Attendance:** Mark Jeffers
- **Others in Attendance:** Evelyn Czyz, Zoning Inspector, Trustee Trica Murphy, Zoning Liaison, Linda Kuenzer, Secretary.

Chair Schigel stated a quorum is present. Meeting has been properly advertised and is being taped for the record. Before any vote, a yes, simple majority vote with a quorum is in favor of the applicant. A no, simple majority vote, will deny the applicant's request. The Brunswick Hills Township Board of Zoning Appeals acts within the regulations of Sec. 519 of the Ohio Revised Code.

APPROVAL OF MINUTES

1. January 4, 2023 Organizational Meeting Minutes

Mr. Schigel stated we have the Organizational minutes to approve from January 4, 2023.

Motion: Mr. Schigel stated there was one minor spelling error which he told the secretary about. No additional edits or corrections, Mr. Kersten moved to approve the minutes as written for the January 4, 2023 meeting. Mr. Wetterman seconds. **Roll Call:** Ms. Barron-yes; Mr. Kersten-yes; Mr. Wetterman – yes; Mr. Timura-yes; Mr. Schigel-yes.

2. January 4, 2023 Public Hearing Meeting Minutes

Mr. Schigel stated we also have a set of minutes from the Public Hearing Meeting on January 4, 2023. Any questions/thoughts on those minutes? No edits or changes to the minutes.

Motion: Mr. Kersten moved to approve the minutes from the Public Hearing Meeting on January 4, 2023. Mr. Wetterman seconds. **Roll Call:** Ms. Barron-yes; Mr. Kersten-yes; Mr. Wetterman-yes; Mr. Timura – yes; Mr. Schigel-yes

Mr. Schigel stated we do have a case for tonight and asked if any if the board members need to be recused from the application on this case due to some type of relationship? Having no one, Mr. Schigel stated that as we do our case for tonight, that all comments or concerns be directed to the board. If there is anything that you want to say, please wait and you will have a chance to be heard.

Mr. Schigel then swore in Zoning Inspector Evelyn Czyz.

NEW BUSINESS-PUBLIC HEARING

1. Kyle McCarthy 4804 Boston Road, PP#001-02A-03-002, Zoning R-1. Height area variance.

Mr. Schigel swore in Adam Bryant of HTZ Construction representing Kyle McCarthy.

TESTIMONY & EVIDENCE

(1). Kyle McCarthy, 4804 Boston Road, PP#001-02A-03-002 was sworn in to represent Kyle McCarthy and asked to present his case to the board Mr. Kersten inquired if Mr. Bryant had a signed document from Mr. McCarthy to allow him to speak for Mr. McCarthy. The answer was yes.

Mr. Bryant stated that per the letter attached to the application, Mr. McCarthy wanted to build a pole barn to house his cars and in the future an RV. There is currently no garage on the property. They were asking for a height variance for the pole barn from 15 feet which is allowed by Zoning to 18 feet, allowing for a 14 foot garage door to accommodate the height of the RV and to maintain the proper pitch of the roof.

Mr. Kersten asked if the request was denied, could the accessory building still be used? Mr. Bryant stated yes, it could be used but not for housing the RV.

Mr. Timura asked if Mr. McCarthy already had the RV or was he looking to purchase an RV? Mr. Bryant had stated Mr. McCarthy was looking to purchase, however due to traveling a lot, he did not want to purchase the RV unless he had someplace to safely store the RV.

Mr. Kersten asked if Mr. McCarthy could buy a smaller RV thus fitting in an accessory building that does not require a variance. Mr. Wetterman stated that would still require a larger garage door to accommodate the air conditioner on the top of the RV.

Ms. Barron asked if Mr. McCarthy resided at the property or if it was investment property. Mr. Bryant replied that Mr. McCarthy resides at the residence however he is out of town on business at this time. Mr. Timura asked again if Mr. McCarthy resided there. The answer was yes.

Mr. Schigel asked if any trees needed to be removed to build the building? Mr. Bryant stated no, they chose that are to build so they would not have to remove any trees.

Mr. Schigel called for any other questions or testimony from the audience, having none, the board will review the Duncan Factors for the Area Variance.

REVIEW OF THE DUNCAN FACTORS

A. Whether the property in question will yield a reasonable return and whether there can be any beneficial use of the property without the variance.

Ms. Barron-yes; Mr. Timura-yes; Mr. Wetterman-yes; Mr. Kersten-yes; Mr. Schigel-yes.

B. Whether the variance is substantial. Mr. Kersten-yes; Ms. Barron-no; Mr. Wetterman-no; Mr. Timura-no; Mr. Schigel-no

C. Whether the essential character of the neighborhood will be substantially altered and whether adjoining properties will suffer interference with their proper future development and rights as a result of the variance. Mr. Wetterman-no; Mr. Kersten-no; Ms. Barron-no; Mr. Timura-no; Mr. Schigel-no.

- D. Whether the variance will adversely affect the delivery of governmental services.** Mr. Timura-no; Mr. Wetterman-no; Ms. Barron-no; Mr. Kersten-yes; Mr. Schigel-no.
- E. Whether the property owner purchased the property with knowledge of the zoning restriction.** Mr. Wetterman-no; Mr. Timura-no; Mr. Kersten-unk; Ms. Barron-no; Mr. Schigel-no.
- F. Whether the property owner’s predicament can be obviated through some method other than a variance.** Mr. Kersten-yes; Ms. Barron-no; Mr. Wetterman-yes; Mr. Timura-yes.; Mr. Schigel-yes.
- G. Whether the spirit and intent of this Zoning Resolution will be observed and substantial justice done by granting the variance.** Mr. Wetterman-yes; Mr. Timura-yes; Ms. Barron-yes; Mr. Kersten-yes; Mr. Schigel-yes.
- H. Whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity and within the same district.** Mr. Timura-no; Mr. Wetterman-no; Mr. Kersten-no; Ms. Barron-no; Mr. Schigel-no.

Before the vote, Mr. Schigel stated that any person adversely affected by a decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Medina County on the grounds that such decision was unreasonable or unlawful. They have 30 days from the date the decision letter was signed to appeal.

MOTION FOR AREA VARIANCE FOR 4804 BOSTON ROAD – PP# 001-02A-03-002

Motion: Mr. Schigel made the motion to approve the application for a three (3) foot height variance for 4804 Boston Road for PP#001-02A-03-002. Ms. Barron seconds.

Roll call: Mr. Timura-yes; Mr. Wetterman-yes; Mr. Kersten-yes; Ms. Barron-yes; Mr. Schigel-yes.

Mr. Schigel stated that in 30 days, a decision letter will be signed and then sent to them via certified mail. Do not do anything until you receive the letter.

ADDITIONAL BUSINESS

Mrs. Czyz stated she spoke with Mrs. Testa regarding training for the zoning boards. The Planning Commission does not have anything official scheduled at this time. However they do have training tapes from the APA that we can borrow at no cost and have training at the townhall for our boards if they are interested. Mrs. Czyz asked if the board was interested in this type of training, The answer was yes. Mrs. Czyz will contact Mrs. Testa to see what is tapes are available and when. Mrs. Czyz will also present this to the Zoning Commission to see if they would like to have a joint training session.

PUBLIC COMMENT: None

ANNOUNCEMENT OF NEXT MEETING DATE:

No business for April.

Motion: Mr. Kersten moved to cancel the April 5, 2023 meeting and to allow the Zoning Secretary, Linda Kuenzer to sign and mail the decision letter on the boards behave. Mr.

Wetterman seconds. **Roll call:** Mr. Timura-yes; Mr. Kersten-yes; Mr. Wetterman-yes; Mr. Schigel-yes; Ms. Barron-yes.

Next meeting date would be Wednesday, May 3, 2023 @ 7:00 p.m. if needed.

MOTION TO ADJOURN

Mr. Kersten moved to adjourn the meeting. Mr. Timura seconds. Roll Call: All in favor to adjourn.

Meeting officially adjourned at 7:28 p.m.

Respectfully Submitted,
Linda Kuenzer, Zoning Secretary

Chris Schigel, Chair

Date