

**Brunswick Hills Township Board of Zoning Appeals  
Case Reopening Public Hearing Meeting Minutes  
Township Hall  
August 2, 2023**

**Call Meeting to Order**

Chairman, Chris Schigel called the Brunswick Hills Township Board of Zoning Appeals Case Reopening Public Hearing meeting for August 2, 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
- **Members Absent:** Gregg Timura, Mark Jeffers
- **Alternate Board Members in Attendance:**
- **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. Meeting has been properly advertised.

**APPROVAL OF MINUTES**

**1. July 17, 2023 Special Meeting minutes**

Mr. Schigel stated we have the minutes to approve from July 17, 2023.

**Motion:** Mr. Kersten moved to approve the minutes as written for the July 17, 2023 meeting. Mr. Wetterman seconds. **Roll Call:** Ms. Barron-yes; Mr. Wetterman-yes; Mr. Kersten-yes; Mr. Schigel-yes.

Mr. Schigel stated we do have a case for tonight. It is a reopening of the case brought before the board on July 5, 2023.

**NEW BUSINESS-CASE REOPENING PUBLIC HEARING**

**1. Tako Properties II LLC 4373 Grafton Road, PP#001-02A-17-174, Zoning C-2. Conditional Zoning request for multi-family dwellings per Sec. 408-2-B1, Multifamily Dwellings subject to Subsection 804-16, Multifamily Dwellings in C-2 and C-3 Districts. Current Zoning District C-2.**

Mr. Schigel swore in Drew Lima, representing Tako Properties II, LLC

**TESTIMONY & EVIDENCE**

Drew Lima, Strongsville, Ohio was sworn in to represent Tako Properties II LLC Mr. Schigel stated he would start. First, he apologized having to bring Mr. Lima back in and had to reopen the case. However, the board did not have a complete packet to make their decision. This was based on three things:

1. The inspector did not inform you of things you were required to research.
2. The Board should have dug further on things required of you.
3. Residents are required to do their due diligence to make sure they have a complete packet

Mr. Schigel stated that it was necessary to reopen the case and that he wanted to go over it. He said he could not give legal advice but wanted to guide him as to what they saw.

Mr. Lima stated that Mr. Humphrey stated they were calling a meeting to add provisions. Is that correct? Mr. Schigel stated you can call them provisions, but they were actually items that were required but were not included in the packet. Mr. Lima asked if the decision was rescinded. Mr. Schigel stated yes. By us reopening the case the decision was rescinded. Mr. Schigel stated that in our Zoning code there were many pieces to this application:

1. Section 802-1 Application of filing. This gives a list of all the documents required.
2. Section 804-16 Multi-family Dwellings and the requirements
3. Section 902-02 Application criteria specific to how they are to be done
4. Section 904-1 Technical site development plan, drawn to scale. Everything they are doing for example driveways, landscaping, etc. 100% this is what we're going to build.
5. Section 904-4 The Zoning Commission would need to see it and make any recommendations before it went to the Board of Zoning Appeals. After completion of that, then it would come before the Board of Zoning Appeals.

Mr. Schigel stated that there were a lot of pieces missing from these sections that prevented us from making an informed decision.

Mr. Lima stated that he was told there would just be provisions added and after the last meeting he had told the property owner he would purchase the property. He said he's disappointed because this is not the result, he thought it would be. He is willing to work with Zoning and do whatever he has to do to make it work.

Mr. Schigel stated that once the completed packet is returned to the board, per Sections 904-5, you would have everything you would need from the different departments to go forward. However, some of these things take time. Mr. Lima stated he has spoken with Andy regarding the driveways and was told he could have two, not three like he wanted. Because of that he has purchased another piece of property 50'x142'. Mr. Schigel stated what they could do is grant him a continuance tonight, giving him more time to get everything together. Mr. Schigel stated he wanted to answer Mr. Lima's question regarding the Zoning Commission.

**Sec. 904-5      Zoning Commission Action**

*The Zoning Commission shall act upon an application for site development plan approval within forty-five (45) days of the date the site development plan is first heard by the Commission unless such time is extended with the consent of the applicant.*

So, you will have to go before the Zoning commission at some point. Mr. Lima asked where that would be. The meetings are held here. He would have to meet the filing deadlines the same as he did for this application.

Mr. Schigel swore in Mrs. Czyz. Mrs. Czyz asked if the additional property is going to be combined? Mr. Schigel stated that those questions can be addressed once he has turned in his completed packet.

Mr. Schigel stated he would have to be going through the Zoning Commission. We can do a continuance or retract his application. We can do a 6-month continuance which will give you the ability to put everything you need together. If you needed more time, more time can be granted. A continuance gives you up to 6 months. Mr. Kersten stated if everything was together before the 6 months were up, you could come back and request a hearing.

Mr. Lima asked about variances due to the shape. He could change the layout of the units. He could build up; he could change things to comply. Mr. Schigel stated that the packet needs to be in compliance with what the zoning calls for. If it's 1250 square feet per unit it would have to be 1250 square feet. If it says 70-foot setbacks, then it must be 70 feet or a variance must be applied for.

Mr. Lima stated that the setbacks and unit square footage would not be the problem, it was the back yards. They are L-shaped and shorter. Mr. Kersten stated he could apply for a variance for the shorter distance.

Mrs. Czyz asked if he was maintaining the distance between the building? Mr. Lima stated that since the driveways will now be different, it is actually more compliant and allows for the required distance between the buildings. Mr. Lima stated the only issue now would be the back yards, they would be very small. Mr. Schigel suggested that Mr. Lima work closely with both inspectors to make sure his packet is complete.

Mr. Lima stated that Mr. Humphrey and Mrs. Czyz said he may be able to have a map amendment done to change the area from commercial to residential. Mr. Lima stated he didn't really understand this because after contacting the county, the county had the area zoned residential since it's conception. Mrs. Czyz stated that the zoning classification on their end is for tax purposes. A change to the Township zoning would need to go before the Zoning Commission. Mr. Lima stated that obtaining a loan is easier to obtain on residential than on commercial.

Mr. Wetterman stated that there was one more thing that Mr. Lima should look at regarding the zoning in a C-2 district is the "purpose". Section 408-1; page 66.

Mr. Lima asked how the process would go. Mrs. Czyz stated that it would go to the Zoning Commission, their request would go the Planning Commission, their recommendation would go back to the Zoning Commission and their recommendation would go to the Trustees who would hold a public hearing and then would adopt, deny, or adopt with modifications.

Mr. Lima asked if there was any way to expedite this process. Mrs. Czyz stated you could ask for a "special meeting" however there is a fee for that. Mr. Lima stated he did not mind the extra fee; he's just trying to get this done. Mr. Lima questioned how the process went for a variance. Mr. Schigel stated that the Zoning Commission would approve or deny, they can make suggestions on what they would like to see. Mrs. Czyz suggested again that Mr. Lima's first stop should be the County Health Department.

Mr. Kirsten asked how long of an extension he (Mr. Lima) would need to get everything together? He stated 6 months.

**PUBLIC COMMENT:**

Mr. Schigel swore in James Chopak, 4360 Grafton Road – questioned

1. Size of back yards (Five-foot backyards?) Mr. Schigel stated it depends on what is in his packet.
2. Plumber doing the well? Has to go to a well drilling company. Their well has been there since 1956. If they have problems afterwards, he will take it to court. That will be \$20,000 to redrill a well. Mr. Schigel stated that that is not this boards problem.

Mr. Schigel asked Mr. Lima if there was anything else he would like to say to the board. Mr. Lima stated he was not hiring a plumber to do the wells. The back yards are not five feet.

Mr. Kirsten asked Mrs. Czyz who would be responsible for the wells? Mrs. Czyz stated again, that the first place he should go is to the County Health Department. They will determine whether he can have wells or not. If not, he may have to investigate other options. Mr. Lima stated he did speak with the Health Department and they had stated that two wells should not be a problem. He will have them put something in writing to include in his packet.

Mr. Schigel asked if there were any other questions or comments. Having none Mr. Schigel called for a motion.

**Motion:** Mr. Schigel motioned to grant a variance for 4373 Grafton Road; PP#001-02A-17-174, for a six (6) month continuance for a Conditional Zoning Certificate, Mr. Kersten seconds. **Roll Call:** Ms. Barron-yes; Mr. Kersten-yes; Mr. Wetterman-yes; Mr. Schigel-yes.

Mr. Schigel stated:

***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. THE HAVE 30 DAYS FROM THE DATE THAT THE DECISION LETTER IS SIGNED TO APPEAL.***

Mr. Schigel asked if there were any other cases for next month. Mrs. Czyz stated no.

**Motion:** Mr. Kersten made a motion since there was no new business that the September 6, 2023 meeting be cancelled. Mr. Schigel seconds: **Roll Call:** Ms. Barron-yes; Mr. Wetterman-abstain; Mr. Kersten-yes; Mr. Schigel-yes.

Mr. Wetterman asked the board to please review Section 408-1; page 66. It may have something to do with wells.

**MOTION TO ADJOURN**

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

Meeting officially adjourned at 7:41 p.m.

Respectfully Submitted,  
Linda Kuenzer, Zoning Secretary

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Chris Schigel, Chair

Date Approved 12/6/23