

**Brunswick Hills Township Board of Zoning Appeals
Public Hearing Meeting Minutes
Township Hall
July 5, 2023**

Call Meeting to Order

Chairman, Chris Schigel called the Brunswick Hills Township Board of Zoning Appeals Public Hearing meeting for July 5, 2023 to order at 7:00 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, Wes Humphrey Assistant Zoning Inspector, 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. March 1, 2023

Mr. Schigel stated we have the minutes to approve from March 1, 2023.

Motion: Mr. Kersten moved to approve the minutes as written for the March 1, 2023 meeting. Mr. Timura seconds. **Roll Call:** Mr. Wetterman – yes; Ms. Barron-yes; Mr. Timura-yes; Mr. Schigel-yes; Mr. Kersten-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 Assistant Zoning Inspector Wes Humphrey.

NEW BUSINESS-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

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

TESTIMONY & EVIDENCE

(1). Drew Lima, Strongsville, Ohio was sworn in to represent Tako Properties II LLC and asked to present his case to the board. Mr. Lima stated he was interested in expanding and obtaining properties to provide a better future for his family. The property he's in the process of obtaining (4373 Grafton Road) is currently residential and commercial and he was interested in building something more pleasing to the surrounding area. He was wanting to build up to four units, one at a time, potentially, if possible, parcel off lots. He has the financing and savings to do this. If what he has submitted is not sufficient, he is willing to come back.

Mr. Schigel asked if Mr. Lima had purchased the property yet. Mr. Lima stated no, it was under contract.

Mr. Schigel asked what the total size of the property was. Mr. Lima stated 1.5 acres.

Mr. Schigel noted that the normal set back should be 70 feet, he is at 65 feet. Mr. Lima stated that he spoke with the person that helped him develop the site plan and they told him he could push it back a little. After talking to Wes, and the Zoning Inspector and the County who also had some questions and concerns, he also did not have the proper distance between the buildings. Mr. Lima stated that he could change the units to two story to be acceptable, whatever he needs to do to make it sufficient.

Mr. Schigel stated that the permitted use would be for doing a multi, but the setbacks and the distance between the houses would require a variance.

Mrs. Czyz confirmed that it was a conditionally permitted use and anything extra would require a variance. Also, splitting the property would require a map amendment granting ½ acre per unit, a 50% reduction.

Mr. Wetterman asked if Mr. Lima was going to rent out the units? Mr. Lima said yes. Mr. Wetterman then stated that he would not have to split the property. Mr. Lima said the county said that he may not be able to build multi units. Mr. Wetterman stated yes you can with a conditional use permit.

Mr. Kersten questioned regarding the availability of water. Mr. Lima said yes, it's across the street from the property and that he had spoken with the city of Brunswick who told him that they'd be able to help him but he would have to annex into the city and it would take you two years. Not wanting to wait that long, Mr. Lima spoke with someone who was able to put in one 216 feet deep well for each duplex. Mr. Wetterman suggested Mr. Lima speak with the county Sewer and Water district due to the problem of pumping water getting to that area. With the addition of eight units, along with the current residents, if enough people would want water, if they can talk the county into it, something may be able to be done able getting water to that area.

Mr. Kersten asked if there would be any units facing pearl Road? Mr. Lima answered no, one on Grafton and one on Jeanette. Mr. Timura asked if the construction driveway area would possibly be used for refuse and/or mailboxes. Mr. Lima said possibly. Mr. Timura said that the drawing presented was a preliminary drawing of what he'd like to build, however there may have to be changes made. Mr. Lima stated that the county may have a problem with the driveways which may impact how many units he builds. Financially it would not be beneficial for him to build less than 6 units. The goal is to be able to build all eight of them.

Mr. Timura asked if he was correct in what he heard regarding Mr. Lima building one unit at a time. Mr. Lima stated yes since he was self-funded. Mr. Timura asked how long the project would take him? Mr. Lima stated that he plans on first clearing the land which would take three to six months, another four-six months to build the unit. Following that it would take four months per unit.

Mr. Schigel asked Mr. Humphrey if conditionally permitted uses have one year to start construction? Mr. Lima stated he saw on the application that after one year it reverts back to original zoning. Mr. Schigel asked if he only finished one unit in this year, would he have to come back and reapply? Mr. Humphrey stated no, once the conditional is applied, he'd come in like a developer. He would not have to come back in. Once the two issues were corrected, the seventy ft and the thirty ft between the units everything would be fine.

Mr. Schigel swore in Zoning Inspector, Evelyn Czyz.

Mrs. Czyz stated that on the application it states: *Conditional Zoning Certificates shall become null and void at the expiration of one (1) year after the date of issuance unless either the use for which the Certificate was approved has commenced or a valid building permit has been obtained.*

So, they just can't build one then wait for two years. It's not like a variance that goes with the property. A conditional only one year

Mr. Schigel asked so if they haven't applied for a building permit at the end of the year, he has to come back to here. The answer was yes.

Mr. Wetterman asked if he puts all three units on one application does that extend the time? Mrs. Czyz stated that there must be digging done and finished within the year. If not, then those are the only ones he could build, he'd have to come back for another permit. He would have to have all units finished within a year. Mr. Lima asked if he only had two units completed and due to unforeseen circumstances, he could not build more would he come back for another permit? The answer was yes. So essentially, he would have one year to build four units.

Mr. Schigel stated the property would also require variances that would take time as well. Mr. Lima stated he will make whatever changes he would have to make to meet the variances. Mr. Schigel asked if there was anything that would keep him from building two stories. Mrs. Czyz stated no. He would also have to meet the square footage of 1250 square feet per unit. Mr. Timura asked if the units are going to be on a slab? Mr. Lima stated yes.

Mrs. Czyz wanted to state some of the concerns she had with the project:

- Driveways (3) drives on an incline – contact the Highway Engineer

- Where are safety forces going to pull into – suggest contacting the Health Department

- Storm Water Management

- Unit off Jeanette – Talk to the different County offices as well

Mrs. Czyz also advised Mr. Lima that whatever he receives from them, get it in writing.

Mr. Lima stated he did speak with the Highway Department regarding the driveways and they told him they shouldn't have a problem. The property across the street, has the same incline. He is also going to construct a retention wall on the west side to make the driveway flatter. He has also contacted the Health Department regarding the well and request their response in writing.

Mrs. Czyz asked about the parking? People can park in the driveways. Mrs. Czyz said they could fit 2 cars there but what if there are more? Mr. Lima stated he tried to emulate the duplex across the street that's been there since the 50's or 60's and to make it the same to fit the neighborhood.

Mr. Wetterman asked if the garages are single car garages? Mr. Lima stated yes. There will also be additional parking. Mrs. Czyz wanted to know where that would be located. She also addressed the issue of the Red Onion being a bar and there would be noise. He needed to inform the residents. Mr. Lima is trying to think about how he could possibly block the noise.

Mr. Schigel asked the audience if there was anyone that had any questions or comments. They would be sworn in, address the board only, stating their name and address.

Mr. Schigel swore in Gary Church, 4378 Chestnut Ave. Mr. Church asked what the current Zoning is for that area? Mr. Schigel replied it is C2. Mr. Church asked so from Grafton Road north down 500 feet, it's zoned C2. Mr. Schigel answered yes. Mr. Church inquired what the minimum lot requirement for a permitted use is? Mr. Schigel replied 1 acre. Mr. Church asked for a permitted use like a single family or a small business. The answer was yes. Mr. Church asked if there were things that didn't meet the requirements, then he'd have to obtain variances, like setbacks or lot sizes, correct? The answer was yes. So, before he could proceed, he would have to come before your board and get variances and the

variances are not guaranteed, correct? The answer was yes. Mr. Church stated he's familiar with that area and the sewer on Grafton Road and unless they, the county, have changed their minds, the county will not permit any additional lines and the same with the water. Mr. Church's main concerns are the amount of congestion on the property and that it will be a lot of activity and real close buildings. It sounds more like a Planned Unit Development instead of 4 duplexes. There has been a lot of other interest in that property but not a lot has been done due to the requirements of the County. If allowed, because this does not meet the allotted lot size, are the same opportunities there for others in that area regardless of the location or size of their parcel? Do they have the opportunity to apply to come in and build the similar units? Mr. Schigel stated there is always opportunity for people to apply for a conditional use permit. Permits are granted on a case-by-case basis.

Mr. Church stated the future outlook of that would be utilities, water, sewer and all that being available to anyone else that wanted to do that. They would have to contact the different departments to see if they would be permitted to tap in to the utilities. Mr. Schigel stated yes, but that's not part of the board's responsibility. Mr. Church stated basically, you are looking at the site plan that is being presented to you to see if that is allowed by the Zoning in place and if he is able to meet any of the requirement for variances, before any tree is cut down or one shovel of dirt is removed. Everything has to be in place before construction begins, correct?

Mr. Humphrey replied that if the owner wants to go in and cut down trees or move dirt around, he can, without any construction.

Mr. Church asked that the owner can go in and prepare the entire site and then if he's not able to get permits, the site will stay prepared like that. Mr. Humphrey stated yes. Mr. Church stated he is aware of properties in that area that have bulk land fill without permits. Mr. Kersten stated that if he sees something like that going on, he should give the proper authorities a call and report it.

Mr. Schigel swore in James Chopak 4360 Grafton Road. He lives across the street from the area of the applicant. Mr. Chopak asked if the units were going to be rental units. Mr. Chopak asked if it would be low-income housing? Mr. Schigel stated they would have to ask that of Mr. Lima after this testimony. Chopak stated that there is going to be problems with the neighbors if it was going to be low-income housing. Mr. Chopak questioned if there would be city water. The board stated it would be well water. Mr. Chopak stated that would be a potential problem as some neighbors are already having trouble with their wells. That could be a problem as well. If they tap into the same vein, what will be done?

Mr. Schigel swore in Mrs. Chopak, 4360 Grafton Road. Mr. Chopak asked if we knew what the units will cost? The board answered no. His concern is that they don't know much about the project. Mrs. Chopak stated that their neighbors were already having trouble with their well, the Chopak's are worried that it will affect their well. When will they be more informed? Mrs. Chopak stated that they were told no one could build in that area because it was too short. Mr. Schigel stated the setback was 70 feet from the road. The Chopak's stated that there is a lot of traffic in and out of the area already, loud music, and if it's going to be low-income housing and if they're going to be tapping into others wells. Mr. Schigel stated that the board can't regulate what they sell the property for. Mrs. Czyz stated even if they were planning on building low-income housing, that would be a federal case. Mrs. Chopak asked if C2 was commercial. Mr. Chopak asked if they can build a multi-family on a C2. Mr. Schigel stated yes, as a Conditional Use.

Mr. Kersten stated that once the board votes tonight, they are then out of it. It will go to Zoning and then the Medina County Building Department. If you have additional complaints or don't agree with the decision, you can file in Medina Municipal Court to overturn our decision.

Mr. Timura stated that the board is just looking at whether they are allowed to build what they want there. The plans can be altered. He has a lot of other hurdles to get over but right now they are just deciding

whether he can build what he's presented in that area. Mr. Chopak again questioned the well situation. Mr. Kersten stated that they have nothing to do with the wells. He should contact the Medina County Heath Department. Mr. Schigel stated again that they were just there to approve or disapprove a permitted use to build or it can be tabled. If you don't agree with tonight's decision, you have 30 days to go to Medina County and contest the vote.

Mrs. Czyz stated that for a single-family residence in a C-1 or C-2, under Conditional permitted uses, #10 states

- a. The residence shall be attached to or within a commercial structure.*
- b. The residence shall be occupied only by the owner or an employee of the business being carried out in said commercial structure.*

Mr. Church asked for clarification on the site plans of setbacks of 30 feet from side line, the answer was yes, 70 feet from the road, answer was yes, and 30 feet between buildings, the answer was yes. However, he does not have that much room currently so he'd have to have a variance or change dimensions of units but still maintain the 1250 square feet per unit. The answer was yes.

Mr. Schigel swore in Susan Pfleiderer, 4469 Chestnut. For clarification, is a single-family home permitted in a C-2 district? Mr. Humphrey stated no. As Mrs. Czyz just noted, the residence has to be attached to the business, and would have to be occupied by the owner or employee. A single-family home is not permitted in a C-2 district. Mrs. Pfleiderer asked if the voting for tonight conditionality is for the way he wants to build it not having traditional commercial property. She doesn't want to see Brunswick Hills become another Brunswick City or Strongsville. She doesn't want every piece of property to be cleared and built on. Allowing this conditionality sets a bad precedent. It opens up other commercial areas, on conditionality to be opened up and cleared more. Because we don't have all the facts, we can not express all our concerns. We don't want to see every free space developed. Other people were unable to develop the area due to Zoning restrictions. We have Zoning for a reason. People close by have concerns about the low-income housing and their wells.

Mr. Schigel stated that everything is decided on a case-by-case basis. Mr. Timura asked if they wanted to buy the land, zoned as is, and cleared the land, could he build a retail store there? Mrs. Czyz stated yes. However, between November 11 and March 31, nothing could be disturbed due to bats nesting.

Mr. Humphrey stated that a multi-dwelling, C-2 district, can be on 1.2 acres. They can have 12 dwellings on there. They can also be 2 story as long as they do not go over 35 feet. Water would have to go through the County. Mr. Kersten asked what a dwelling was. Mr. Humphrey stated 1 complex is 2 dwellings. 8 dwellings per acre.

Mr. Church asked if the applicant presents his site plan, and meets all the setbacks, and requires no variances, he then goes to the zoning office and Mrs. Czyz or Mr. Humphrey can then issue a permit. He would not have to go back to the BZ? Mrs. Czyz said that no permits will be issued without permits from storm water, driveway, etc. Mr. Church also asked if anyone would hear anything? Mr. Kersten stated that if there were variances, they would receive a letter like they did for tonight's meeting.

Mr. Lima gave answers to questions that were brought up by residents previously. Regarding clearing the property, they negotiated a price based on Mr. Lima clearing the property. He has also called multiple people regarding a well. He was told that the water calculations and water flow were fine. He was given an estimate of \$14,500 to put in a well. As a realtor himself, he has no intention of building and renting low-income rental units. However, by law he is not permitted to steer people either. He plans on charging \$1800.-\$2000., and to the best tenants he can find. He was instructed to come to Zoning and here first before he could obtain any other permits.

Mr. Schigel there is also the option of tabling the decision for 30 days. Mr. Lima stated he did not wish to do that. He wanted to keep things going. He also wanted to keep as much greenery as possible. Regarding the sewer, he can also put a retention basin in at Jeanette and Grayton if need be.

Mr. Schigel swore in Denise Kronenberger 3277 Rustic Lake Drive, Medina. Ms. Kronenberger gave a brief history of the property. Her dad had been buying up the small individual lots beginning in 2007, with the intent of building an American Legion there. He bought up as much as he could. He combined everything into 1 lot, right after that he died of a stroke in 2017. 7 family members inherited it. She's the only one that lives around here. She's been trying to find someone to purchase it and build something nice for the community. It's been for sale for 5 years, it is their property, it is commercial property. If some other type of business goes in there it would generate more traffic. She feels this is a nice thing to do with the property. It is their property and something will happen with the property.

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

Motion: Mr. Schigel motioned for a Conditional Permitted use for PP#001-02A-17-174, 4373 Grafton Road, conditional permitted used for a multi-dwelling unit on that property C-2. Mr. Kersten seconds. **Roll Call:** Mr. Timura-yes; Mr. Wetterman-yes; Ms. Barron-yes; Mr. Kersten-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.

The decision letter will be signed the first Wednesday of next month. (August)

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

Motion: Mr. Kersten made a motion that secretary Kuenzer be permitted to sign and mail the decision letter. Mr. Schigel seconds: Mr. Wetterman-yes; Mr. Timura-yes; Ms. Barron-yes; Mr. Kersten-yes; Mr. Schigel-yes.

PUBLIC COMMENT:

Mr. Lima stated that he is not a commercial builder. It's just him. He will leave his phone number with Mrs. Czyz in case anyone has any questions or need to contact him.

Mr. Schigel reminded Mr. Lima that he has 1 year to break ground after the decision letter is signed.

MOTION TO ADJOURN

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

Meeting officially adjourned at 8:20 p.m.

Respectfully Submitted,
Linda Kuenzer, Zoning Secretary