

**Brunswick Hills Township
Zoning Commission Regular Meeting Minutes
May 2, 2024**

Call Meeting to Order

Chair Wetterman called the Brunswick Hills Township Zoning Commission May 2, 2024 regular meeting to order at 7:00 p.m.

A roll call of the board was executed.

- **Board Members in Attendance:** Ms. Brunn, Mr. Kelly, Mr. DeCastra, Mr. McFarland, Mrs. Wetterman
- **Alternate Board Members as voting members:** Mr. Witt, Mr. Smerek
- **Board Members Absent:** None
- **Others in Attendance:** Trustee Mrs. Murphy, Mrs. Czyz, Zoning Inspector, and Linda Kuenzer, Zoning Secretary

Mr. Kelly led the Pledge of Allegiance and a moment of silence for our troops and first responders.

APPROVAL OF THE MINUTES:

No minutes to approve

NEW BUSINESS:

Henry Hoffman, 916 Pearl Road. Next to him is Bradley Hoffman. Brad is the owner of Hoffman Tree.

They are attempting to open a mulch supply business. It would be mulch only. There's no plants for sale. He stated that unfortunately, there's been some confusion in terms of all the paperwork that they had to submit. He has put together a package that we will look at.

Mrs. Wetterman asked if everybody had a chance to look at the basic submission that's been given to us? The group responded yes. Mrs. Wetterman asked “so you're just planning on opening a mulch business? You're opening a garden supply center?”

Bradley Hoffman responded with “Stone type soils, straw, and several different colors of mulch”

Mrs. Wetterman asked if the board has any questions? Being none they moved forward.

Mrs. Wetterman read application for section 408-2B10, Community Commercial District Conditioning Permitted to Use, section 802. Conditions shall come before the zoning commission for approval prior to the board of zoning appeals. Mrs. Wetterman asked “And you are applying for a conditional permit for C2 for the garden supply center” Mrs. Wetterman asked if there were any questions.

Mr. DeCastra stated “I guess the first question is to apply for a garden supply house, you have to have 200 feet of frontage, your map does not show that because it looks like you're mulching bins that go all the way up to the road” Mr. Bradley Hoffman responded “We've got 238 feet of frontage”

Mr. DeCastra stated “Okay, your site plan does not”

Mr. Henry Hoffman stated “ This particular site plan is a revision of the site plan that you folks were provided in, believe it was January. And it was used only because it was adaptable. Mr. Bradley Hoffman added “If you look at the next page of TOPO, you'll see that it does the most for the community. Also required, minimum of 2 acres, we have 2.5”

Mr. Bradley stated that everything out back, the building construction, the storage facility and everything else has already been permitted. The only thing we're coming after tonight is everything up front to retail mulch.

Mrs. Wetterman asked if they will be watering the mulch to keep the dust down? Mr. Bradley Hoffman stated yes, as needed. Mrs. Wetterman asked if it would be daily? Mr. Bradley Hoffman responded “yes, daily, in the morning or as needed in the summer months when it gets dryer”

Mrs. Wetterman “And will you eventually be adding plants?” Mr. Bradley Hoffman asked “ For retail?” and Mrs. Wetterman responded Yes. Mr. Bradley Hoffman stated “ I'm not entirely sure” Mrs. Wetterman stated “ Okay. That's a conditional in C2 zoning” Mrs. Wetterman stated that they would have to come back before the board again to get a conditional permit on that one.

Mrs. Wetterman asked for confirmation, The height on your bins? Mr. Bradley Hoffman stated “They're currently six foot and we're done that's the size it's going to stay...I have no desire to go any higher”

Mr. DeCastra “Okay. Is the temporary sales building to stay?”

Mr. Bradley Hoffman stated “ No, that's only while we construct the building out back. There's a 9,600 square foot garage we're putting up. In front of that, 420-foot office that will be fully built out bathrooms and facilities and all that. Everything you're gonna need, you know, not only run the tree service, but also to facilitate counter sales for the garden supply side. Until that's built, you know, obviously we need some place for people to transact and make their orders”

Mrs. Wetterman asked “You will have electricity in the building? Mr. Hoffman responded “Yes, and that's been approved through the county”

Mr. DeCastra from stated in regards to your traffic plan, are they going to pull in, you're gonna load them up, drive to the back, turn around and come out or? Mr. Hoffman stated “There is insufficient room up front to take care of everything. Everything passed where you see existing structure over the office area is going to be basically tree service trucks and employees going back there.

Mr. McFarland asked the wood processing area is where you're trying to make the walls for? Mr. Hoffman stated “We are not processing, manufacturing, producing mulch at all. All that's for is firewood itself. They will be importing the mulch.

Mr. DeCastra stated Your topographic map has proposed mature stock biogens in the back of the property.

Mr. Hoffman stated “That's an old topo”

Mr. Kelly asked “The stormwater pond, I see that there's a catch basin in it, storms over to the pond, but where does the pond overflow?”

Mr. Bradley Hoffman stated “ So there's an engineered outlet that flows to the normal path that would have always exited the property and that's all been approved by the EPA.

Mr. Henry Hoffman Stated “Open ditch. It's an open swale, been there for years and years. Again, all of that you see in that map has been approved by the Medina County storm water system.

Mr. Kelly stated “That's okay. I just didn't see any place where the arrows were showing discharging” I have no additional questions.

Mrs. Wetterman asked the group if there were any more questions. Being none, they moved to discussion.

Mr. DeCastra stated that in his opinion all of these maps should be updated. 100% matching. You should have a site plan that's actually to scale because this one is not to scale. So that way they have all of the correct information in front of them because this is, you've got, you're giving me two different maps, which I can't line up. I don't have measurements of the whole site plan. So I don't want that to go before the trustees. That could confuse them as they're trying to approve it. And then that may delay your denial or from them”

Mr. Bradley stated “Understood” Mr. DeCastra stated” I trust that you guys have thought this through. You've got all of the others out there. So, I just think that it would be beneficial to make sure you have all of your paper in mind before you go to the trustees” .

Mrs. Wetterman asked “Have you submitted two different maps on this? Does zoning have the two comparison maps? “

Mr. Bradley Hoffman stated that Evelyn has every single map that we've ever created.

Mr. Henry Hoffman stated “She's gotten the same information that was given to you. And so it's like, like Brad said, we had to make some adaptations, abbreviate in maps and things like that just to be able to present to you”

Mr. DeCastra stated that we can make an approval for modification, and that can be the modification we're asking, is that they provide all appropriate documentation”

Mrs. Wetterman asked if there is any public comment?

Linda Hudson, 314 Pearl Road, Brunswick Hills

Wanted to know why they have to go back to the BZA if this passes? Believes there is a disconnect somewhere.

Mrs. Murphy stated that it's in our code. She stated that it shouldn't be.

Jim Rosati, owns Rosati's frozen custard, 922 Pearl Rd (formerly Honey Hut)

They are next door to the Hoffman's. He stated “I'm not against what they want to do there. But my fear is because we are eating establishment and our serving windows and our picnic tables are directly in the southern line of where the mulch beds are going to be.. When I checked about mulch, and it's obviously the smell and the fugitive dust control and the way the winds blow, I feel there may be a problem in the future...Depending on the weather, when the stuff is delivered, when it's loaded and unloaded. Brad said they were going to open over seven days a week, Same as us” He stated” So my concern is when I get my health inspections, because I asked the health department about the dust and the aspects of mulch, if it does become an issue on our eating surfaces or encroaches in our building, because we have serving windows we serve out of, they're constantly open with the lines. She said if it does become an issue, then it gets turned over to the EPA. So, it's not out of my control, but we have a successful business there too. And just like Brad, we have a lot of money invested in there, 12 years.

He stated “ And I just wanted to be on record that if there is a problem, we're going to have to be dealt with after that fact. I know that on one drawing I saw the six-foot-high bins were there, I guess, rather than going higher than that, because they would need a footer or something. But the allowable amount

was 15 feet high of mulch...I didn't know if that was going to be a, like how much the mulch will extend past the barriers on a daily occurrence or on delivery”

Mr. Hoffman stated “Because again, we're not going to figure out what happens, but once it happens it's too late, and then I didn't know how the water existed” Those are the things that keep dust down as the water, and I just wanted to find out how the water will be dusted daily.

Mrs. Wetterman stated “He can come up and answer your question”

Mr. Bradley Hoffman stated “We have been in talks with the Pew drilling to drill a new well on our South Property line, according to them, we get down 95 feet, we're going to have enough water for you to run your business to if you want to. With that said, we're going to run lines over to where the mulch bins are located. We'll have two one-inch garden hoses there. And, you know, well, if we see dust, we'll wet it down. You know, and it's nothing that obviously neighbors can't work through either.

Mr. Rosati stated “Well, the smell is the only thing that none of us can control. So that's going to be based on every turning and anything”

Mr. Bradley Hoffman stated “I agree, if I might, there was some comment that the prevailing wind is northeast and Jim's property is located to the South, we'd need a direct north to south wind to affect his business. And if that northeast wind comes through in a southwest fashion, we'll hit St. Ambrose before we hit Rosati's Frozen Custard. We hope.

Mr. McFarland asked “You had your discussions with the EPA was there anything discussed?”

Mr. Bradley Hoffman stated “ I've actually been on the phone with Medina County Sanitary, Highway and Stormwater, the Health Department, and also soil and water conservation. And none of those entities have any concerns for what we plan on doing and the amount of mulch that we plan on having. Now, to answer your question, Jim, yes, those mulch piles will probably grow at 12-foot-tall...my loader is only capable of 10 foot. So, I'm just going to pull those up a little bit to get as much material in there as we can fit. But they're not going to be mulched. According to the Ohio Fire Code, allowable mount before any sort of fire protection or anything is needed is a 150-foot-wide pile, 20-foot-tall, 250-foot-long per pile. And the only thing that you need to do between those piles is have a 50-foot roadway that will fit a fire truck. We can't support the amount of mulch they allow onto our property. All I have is seven mulch bins that are four of them are 16-foot-wide by 30 foot. The other are 10-foot-wide by 30 foot. We're going to offer seven different types of mulch and it's on the far north end of our property. The furthest away from his. We did that on purpose. Whether that's known or not”

Mrs. Wetterman asked if there was any more public comment? Being none, they moved forward to a motion.

Motion: Mr. DeCastru made a motion to recommend approval with specific modifications that the site plan map be updated and to scale the topographical map to have the same drawings as the site plan, and then that can be submitted to the board of trustees. Ms. Brunn second the motion.

Roll Call: Mr. Kelly-Yes, Mr. McFarland- Yes. Ms. Brunn-Yes, Mr. DeCastru- Yes. Mrs. Wetterman-yes.

Mrs. Wetterman stated that the motion is passed.

Mrs. Wetterman asked when can we have the maps submitted? Mr. Bradley Hoffman stated that we will get with the civil engineer tomorrow and see if he can draft up something rather quickly, and the reason I say that I'm not sure when the next trustee meeting is.

The group stated that there is one on the 14th and another one on the 28th. Mr. Bradley asked if he is eligible for the one on the 14th.

The group stated that it's up to the other trustees, as long as they're registered.

Mr. Bradley Hoffman stated he will get on the phone tomorrow and see what I can do about updating that topo. He stated “And it also is my understanding that the board of trustees is our next step. Am I correct in saying that?”

Mrs. Wetterman stated Yes.

OLD / CONTINUED BUSINESS:

Short term Rental Definitions:

Ms. Brunn did some research across some different townships and then just on short-term rentals in general. Some are referring to them as short-term rentals. Some are broadening that and calling it just rented property in general. Some had longer than 30 days. We can choose the amount of days we want to put in there. One's a little less lengthy, one's a little lengthier. One was *‘any dwelling rented wholly or partly for a fee for less than 30 consecutive days’*

The other definition is *‘The rental of a primary residence or portion thereof for a period of less than consecutive 30 nights for which the guest compensates a hosting platform, owner, or lessee of the unit’*
So it kind of depends on how specific and particular we want to be.

Mr. DeCastra - The last one is effective but instead of stating primary residence because probably these houses are not in the individual's primary residence. It would just be a residential. That way we could exclude,

Ms. Brunn “So we can use the word dwelling, from the first one and get rid of primary residence?”

Mr. DeCastra stated that It probably should be phrased *‘Any property within a residential zoning area’*
That way we can make sure that all commercial activity that could be rented out for less than an hour, an hour a day, can be excluded from the idea of what short-term rental is and it's only specifically focused on anything within the residential districts.

Mr. McFarland- The second option is that it's a lot closer to what we need. I think the first one could be a hotel. A little too vague. Just to say, again, it could be a hotel or a motel to find that definition. So that way we just take the primary residence out and we define that. The second one seems a lot more effective.

Mrs. Wetterman- “Okay, so any property within a residential area?”

Mr. DeCastra- To be really specific, you would say *‘Any property within the R1, R2, and R3, And if we wanted to do open conservation, we can discuss that thereof for a period of less than 30 days. Like define the actual zones that this would apply to.*

Mrs. Wetterman asked how would the wording read on that? Mrs. Brunn sated “The rental of any property located within RR, R1, R2, R3.

Speaker 1: We've got something to start working on. We're trying to make it not open to interpretation.

Mr. DeCastra- The OC areas can have residential areas and or commercial. So that is something which is after review to make sure we understand the open conservation districts. What is allowed and not allowed and how we want to monitor and maintain the uses that are permitted within those districts.

Mrs. Czyz asked “ how are you going to control that? How is it going to be controlled and maintained? Because definitely the owner of the property is not going to come in and tell us, Hey, look, I'm running my property out for 30 days”

Mr. DeCastra “I think right now it's just defining which one it was”

Mrs. Czyz suggested asking the city of Brunswick for their definition and how they regulate it to get some ideas.

Mr. DeCastra stated “They would be able to regulate it via taxation. We can regulate it. It's about enforcement of it that would be extremely difficult. But I think at this point it's still important for us to at least within the definitions define it, Ohio law can change. And so that just allows us to at least state somewhere in there that we at least have defined what short-term rental means within our zoning rules”

Mr. DeCastra stated “ I don't think at this time we have any intention of trying to figure out how or what we want to do with short-term rentals. At least we can define it”

Ms. Brunn- Just started as adding it as a definition into our zoning book.

Mr. McFarland- We need to address what the purpose of the rental is. Is it only rental for the purpose of staying there? Can a residential property use it for another purpose?

Ms. Brunn- .”In everything I've read I didn't see anything like that. It was just a renting a home or property or residence for 30 consecutive days was just included in the definition”

Mr. McFarland stated that a resident was concerned in a prior meeting about the short-term rentals and the use of them as a party house. Can we determine that someone can't rent an Airbnb for the purpose of charging people money to party in a house?

Ms. Brunn shared that she doesnt think its our duty to regulate it.

C1, C2, C3 Matrix with suggested language, permitted and conditional uses:

Mr. DeCastra- I think that based on tonight's meetings, conversations, public comment, this is definitely something of priority for me in understanding how we have our commercial districts defined and what our permitted uses and conditional uses.

For example, today we have a business that is a conditional use, which requires specific steps within the zoning versus what could be a permitted use may have different steps. Those steps have different timing, different requirements. We can streamline by actually putting some type of exhibit like this in the zoning. That way it's very clear for all individuals to understand exactly what is permitted and where it is permitted and what's conditional and not. Eventually go through and talk about updating language and how we want to define it.

My first example I hear current language for C1 approved or all three is that of Barbara Beauty Shop. You could define that in more elegant language as Cosmetology, Barber and Body Art Services so that way it encompasses more language around specifically what those industries are, and opens up the door to more business that could come into that area.

Mr. DeCastra suggests that we have to take some time in the next months to really help clean this up.

Reminder of upcoming trainings:

- Thursday, May 23rd at 6:30 Zoning law and ethics
- Tuesday, August 20th at 6:30- Site plan review
- Thursday, October 24th at 6:30- Current trends in zoning.

Held at the Medina County University Center- 6300 Technology Ln, Medina.

ADDITIONAL BUSINESS: None

ANNOUNCEMENT OF RESCHEDULING JULY MEETING DATE:

Motion: Mrs. Wetterman made a motion to move the July 4th meeting to July 11th, 2024 at 7pm at Brunswick Hills Township Town Hall. Mr. DeCastra second the motion.

Roll Call: Ms. Brunn-. Yes, Mr. Kelly- Yes, Mr. McFarland- Yes, Mr. DeCastra- Yes, Mrs. Wetterman-yes.

Mrs. Wetterman asked if there is any more public comment?

Ron Wetterman, 1085 Substation Rd, Brunswick Hills.

Mr. Wetterman stated “A gentleman in the development in yesterday's meeting was wanting to add a garage on the second floor. And that wasn't the problem. Other than a neighbor came up for public comment. And she had the idea and had been told that in her development all they could have was their houses and everything else was open spaces. How do we know? How do we know what open spaces are in the development? Is there a list? Is there a map? What do we have?”

Mrs. Czyz stated “that development was created way before I was around. It was created before I was around. So I would have no idea”

Mrs. Wetterman “Does anybody in Township know where these open spaces are?”

Mr. DeCastra “What are we talking about open spaces? On their actual property or around their property?”

Mr. Ron Wetterman stated “ They made it sound like it was actually on their property, although it was not listed on their deeds that it was open spaces, So a new buyer came into the development, didn't know absolutely anything about open spaces from their development. And the land was auctioned off which would cause the problem. And nothing went on the deed or anything.

The group stated that Mrs. Hudson might be able to tell us. She was around when that development went on.

Mrs. Hudson stated “I may not be able to answer it thoroughly, we tried to encourage the developers to include that on the deeds of the plots that were listed. So if you bought a home in there, your plan would show the open space, now we've had situations where they get sold off, some of the open space. Probably the best answer to that is go to the county, do a deed search, and find out where those open spaces are. It became very convoluted over the years” Mrs. Hudson stated “Some of the open space, people were even given permission to build tree forts, houses, just all kinds of things. But is it on their deed? Probably not. So they wouldn't know. It's going to be up to the person who has the deed to do the research”

Mrs. Wetterman asked if there were Any additional comments.

Mr. McFarland asked “Is open space defined in our foot? the group responded “no” . Determining whether something is open space is a development made or who determines whether open space is in.. we don't define it, then somebody is saying it's required on their property.

Ms. Brunn- It seems like it would be in their site plan or listed on each deed.

Mr. DeCastra stated it would have been in the site plan. It would have to be on the site plan and deed.

Mrs. Murphy referenced Page 39 of the zoning resolution. It talks about open space with respect to the conservation district overlay. So, there are some areas in the book that talk about open space.

Mrs. Murphy announced that volunteers are still needed for the Comprehensive Land use. The commitment would be about one day a month for a year to go over the comprehensive land use plan, which is the vision for the township.

ANNOUNCEMENT OF NEXT MEETING:

Thursday, June 6th at 2024, 7pm at Town Hall

MOTION TO ADJOURN

Mrs. Wetterman motioned to adjourn the meeting. **Roll Call:** All in favor-Aye-unanimously. Meeting adjourned at 7:14 pm

Respectfully Submitted,
Dalith Beck, Zoning Secretary

Patricia Wetterman, Chair

Date