

**Brunswick Hills Township
Zoning Commission Regular Meeting Minutes
November 7, 2024**

Call Meeting to Order

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

A roll call of the board was executed.

- **Board Members in Attendance:** Mr. McFarland, Mrs. Wetterman, Mr. Kelly, Ms. Brunn, Mr. DeCastr
- **Alternate Board Members as voting members:**
- **Board Members Absent:**
- **Others in Attendance:** Trustee Mrs. Murphy, Mr. Smerek, Alternate member, Mr. Witt, Alternate Member, Dalith Beck, Zoning Secretary

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

APPROVAL OF THE MINUTES:

Approval of the ZC October 3, 2024 regular meeting minutes

Mrs. Wetterman asked the board if there were any additions or corrections to the minutes. One correction was made by Mr. Smerek- He (Mr. Smerek) led the Pledge of Allegiance at that meeting. Mrs. Wetterman asked for a motion to approve the minutes.

Motion: Mr. McFarland motioned to accept the minutes for the Zoning Commission regular meeting on October 3, 2024. Mr. Kelly seconds.

Roll Call: Ms. Brunn- abstain, Mr. DeCastr- abstain, Mr. Kelly- yes, Mr. McFarland- yes, Mrs. Wetterman- yes.

OLD / CONTINUED BUSINESS:

The Haberman Property:

Mrs. Wetterman shared that the planning commission approved the Haberman property. One of the conditions was to check and see if they could continue their farming. There are three places in the zoning book that discuss the land having to stay open and unused, it can be utilized for trees and similar items but not for farming. There is a copy of the planning commissions approval if anyone would like to see it Mrs. Wetterman shared that she has a copy.

Mrs. Wetterman shared that we had Mr. Goodyear had asked that we take a look at our setbacks on 42 and move them back 10-15 feet. Mr. Goodyear added that it would be so nothing could be put closer to the road. Mr. McFarland asked if there were things in there now like mailboxes and/or fences. Ms. Brunn stated that Mr. Goodyears point is to have this going forward so it wouldn't cost the tax payers so much money to have to move those things in the future. Mr. McFarland confirmed if we are discussing in regards to future constructions otherwise it would cause a lot of things like sidewalks etc to be moved. Ms. Brunn confirmed its for future construction.

Mr. McFarland stated he would like some information on what the state requirements are before any decisions are made. Ms. Brunn agreed. Mr. Smerek asked if those that already there would be considered legal non conforming? Mr. DeCastr stated they would be grandfathered in. If they make any new changes to the property then they need to meet the new code. They conformed correctly when the original building was made. Mr. Smerek stated he just wanted to make sure that if someone's property doesn't follow this now and there is a change it gets to stay. Mr. DeCastr agreed.

NEW BUSINESS: No new business and no additional cases are on the schedule for our next meeting.

Section 904- Presented by Mr. McFarland. He stated that some of the items are not clearly written or described. Secretary passed out copies to the board.

Mr. McFarland has in bold the suggested wording and his comments, and how it could be more clearly written. Mr. McFarland shared that it doesn't say the intent of the site development plan, should we define the necessity and purpose of it?

What defines a duly authorized/professional engineer and registered architects? We may be setting the bar too high on who can complete these. Also, the scale of the drawings. Do we need to define that?

Mr. DeCastra brought up the concern that if you removed that it has to be someone that is authorized by the state of Ohio, anyone could submit a drawing. Mr. McFarland stated that we should define who is authorized. Mr. DeCastra suggested to leave the wording more open ended so a zoning inspector who understands what is happening in the environment has more flexibility to those that need to apply it; to make sure they are maintaining the times and the community in mind without constantly having to change the zoning resolution. He shared that in his opinion definitions can be good but also can be bad if they are so distinctly defined it can limit what is possible.

Mr. McFarland stated that there is no requirement for showing existing or proposed buildings anywhere from A-J, and stated it should probably be under B after boundary lines.

For D. Floodplains, is specific to a river, Mr. McFarland shared with the group if we want to look at that because by definition a floodplain is the area near a river. Mr. DeCastra stated we should look at the FEMA guidelines. Mr. Smerek stated he doesn't see anything about setbacks as it can become important near streams. At a minimum it should be listed if it's a minor or major riparian setback.

Mr. McFarland moved forward to J. Provisions for solid waste including provisions for dumpster enclosures. Should we look at recycling? The board didn't seem to have any concerns in adding that.

For Section L. Location and dimensions of proposed access drives; *Proposed Language* Location and dimensions of existing and proposed access drives. Mr. DeCastra and Mrs. Wetterman agreed.

For section M. Provisions for storm drainage including design calculations, storm sewer sizes, grades, and inverts, manhole locations and inverts, detention and/or retention facilities, and proposed outlets;

Mr. Smerek suggested basin. Ms. Brunn agreed. Mr. DeCastra asked if basin could apply to more urban and facility could be a constructed tank? Mr. Smerek shared that basins could be underground.

Mr. McFarland moved on to 904-2 design criteria:

The word "development" in section B. Development and properties are used throughout. Are they interchangeable? Mr. Smerek said that it seems like all developments are properties but not all properties are developments.

For C. The architectural design of buildings shall be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, materials, line and pattern, and character. The consensus was to remove mass and replace it with appearance.

For E. Maximum possible visual and auditory privacy for surrounding properties and occupants shall be provided through the design of the relationship among buildings, fences, and walls, landscaping, topography, and open spaces.

Proposed language:

Maximum possible visual, auditory and olfactory privacy for surrounding properties and occupants shall be provided through the design of the relationship among buildings, fences, and walls, landscaping, topography, open spaces and odor mitigating practices.

Mr. McFarland stated he thought of the gentlemen with the ice cream store when it came to this one. Mrs. Wetterman shared that she liked the proposed language better.

Sec. 904-3 - Referral to Township Emergency Services

The board agreed that this section is clear enough and no updates are needed.

Sec. 904-4 Referral to Zoning Commission- in regards to the meeting. The updated language should be “placed on the agenda for the next regularly scheduled meeting” The board agreed that this language is better.

Sec. 904-5 Zoning Commission Action. The section that reads “heard by”

Mr. DeCastra stated he would leave “heard by” because once the applicant is before the commission, that is when the clock begins. Ms. Brunn stated she agrees that the original wording is better.

Sect 904-7 Professional Assistance. The Township Zoning Inspector, with the authorization of the Board of Trustees, may seek expert advice or require special studies to be made prior to acting on any site plan. The cost of securing such advice or studies shall be borne by the applicant, which sum shall be placed on deposit with the Township Fiscal Officer.

Mr. McFarland- There should be language protecting the developer from bearing costs they do not want, or feel are prudent. Is “which sum” accurate?

Mr. DeCastra stated he strongly disagrees. He shared that the zoning inspector going to the board of trustees in a public hearing and asking for the approval to get additional advice due to our zoning inspector not having have the expertise needed for the submitted plan. We could potentially put the township in a severely disadvantaged position if we can’t evaluate the developers plan and should have the option to seek that expertise if needed at the cost of the applicant.

Mr. McFarland’s concern is that the developer/applicant needs to pay for this. Mr. DeCastra shared that there is always the option of not moving forward with the application if the applicant doesn’t wish to do so. Mr. McFarland stated he is good with that if the application has an out.

Ms. Brunn asked Mr. McFarland asked if what he is looking for is perhaps a disclosure saying that if we don’t have the proper expertise that there may be a cost for it and they have the option to opt out to continue with their application. Mr. McFarland shared that yes something like a disclosure, and that he doesn’t like the current wording.

After further discussion it was decided to keep the wording as is. The applicant can decide to withdraw application at any point. Mr. McFarland shared that he will update it with our comments and suggestions and we will look at it again next month.

ANNOUNCEMENT OF NEXT MEETING: Thursday, December 5th, 2025 at 7pm. There will be an organization planning meeting followed by a regular ZC meeting on January 9th, 2025.

MOTION TO MOVE JANUARY MEETING DATE:

Ms. Barron motioned to move the January meeting from January 2nd to January 9th in order to hold the Organization meeting on that date as well. Mr. Kelly seconds.

Roll call: Mr. McFarland- yes, Mr. DeCastra- yes, Mr. Kelly- yes, Ms. Brunn- yes, Ms. Wetterman

PUBLIC COMMENT: None

MOTION TO ADJOURN:

Mr. DeCastra motioned to adjourn, Mr. McFarland seconds.

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

Meeting adjourned at 8:35 pm

Respectfully Submitted,
Dalith Beck, Zoning Secretary

Patricia Wetterman, Chair

Date