

**Brunswick Hills Township Board of Zoning Appeals
Public Hearing Meeting Minutes
Township Hall
October 8, 2025**

Call Meeting to Order

Chairman, Chris Schigel called the Brunswick Hills Township Board of Zoning Appeals Public Hearing meeting for October 8, 2025 to order at 7:00 p.m. A roll call of the board was executed.

Board Members in Attendance: Ann Barron, Chris Schigel, Gregg Timura, Ron Wetterman

Board Members Absent:

Alternate Board Members in Attendance:

Others in Attendance: Ryan Nixon, Trustee, Daryl Lucien, Zoning Inspector, Dalith Beck, Zoning Secretary

Chair Schigel stated that a quorum is present, but it is not a full board. 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 tie vote of four 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 8, 2025 Organizational Meeting Minutes

Mr. Schigel stated that we have the minutes to approve for the January 8, 2025 organizational meeting.

There were no corrections or revisions by the board.

Motion: Mr. Wetterman moved to approve the minutes as written for the January 8, 2025 organizational meeting. Mr. Schigel seconds.

Roll Call: Ms. Barron- yes, Mr. Timura, Mr. Wetterman- yes, Mr. Schigel- yes.

1. January 8, 2025 Regular Meeting Minutes

Mr. Schigel stated we have the minutes to approve for the January 8, 202 regular meeting.

Mr. Wetterman noted a correction under public comment; Mr. Hudson should be "Mrs" Hudson.

Secretary notes correction.

Motion: Mr. Wetterman moved to approve the minutes as amended for the January 8, 2025 regular meeting. Mr. Timura seconds.

Roll Call: Ms. Barron- yes, Mr. Schigel- yes, Mr. Timura, Mr. Wetterman- yes.

NEW BUSINESS:

- 1) The Caves at Bluebell- Roger Nair /Fox Village LLC, Bluebell Parkway, PP#001-02D-27-035, Zoning C1.

Mr. Schigel asked if any of the board members need to be recused from the applications on this case. There was none. Mr. Schigel sworn in David Firestein. He stated he is an attorney with Witschey, Witschey & Firestein located at 405 Rothrock Road, Copley, OH, 44321.

He is here on behalf of the applicant Roger Nail and Fox Village LLC. Mr. Schigel reiterated that tonight we only have four members on the board, they do have the opportunity to lengthen their time. A vote of two ends up a denial of the applicants request, therefore they do have the option to request a continuance

if they would like to wait for a full board of five. Mr. Firestine agreed to move forward tonight. Mr. Firestine moved forward in presenting his case.

Mr. Firestine shared that this is an office condo project and they are requesting two variances. One variance is the building set back, as the requirement from the code is 70 feet and they are requesting that to be 50 feet. The other variance is a parking code variance, the code requires 90 spaces and they are requesting a 50% variance of that requirement to 45 spaces.

Mr. Firestine shared that the board knows their role is to interpret the Zoning Resolution and do justice as they see it through the Duncan factors that have been presented by case law in Ohio for many years. He has combined both variances and he will go through the Duncan factors. They are both area variances and he does not believe they will impact property owners and in fact he believes it may benefit them. Mr. Firestine read the following Duncan factors and responded to each of them.

- 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.* The applicant would suggest that the property cannot be reasonably built under the C-1 commercial zoning district. This piece of property was subject to some litigation years ago, his partner handled that litigation. The result of the litigation was a decent decree that had this property on the market for quite some time, without any real development opportunities coming until now.
- B. *Whether the variance is substantial.* They have a 50% variance on the parking and a 28.5 % building set back, they had a land engineer review some other projects throughout Brunswick Hills Township and he was advised that it's consistent with what has been granted in the past. This particular property is abutting into public rights of way, Pearl Road and Bluebell Parkway, not encroaching into residential property or inhibiting their use and enjoyment of their homes. For the parking variance, since 2020 work lifestyles have changed, a lot of people are working remotely and are shopping online. There are many large parking lots that do not go utilized and become an eye sore for neighboring properties. They are not being utilized to their full potential and are not economically viable. The BZA has the ability to right size the parking requirements to fit more modern approaches. He believes it is beneficial to the township and neighboring properties to have a more right sized property.
- 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.* The applicant would suggest that you could answer that in the negative. The character of the neighborhood won't be altered and this project would fit in very well along Pearl Road. These are projects that are truly in demand in Medina County. His client has confidence that this will go very well and be very economically viable here in the Township where they have proposed locating it. It will also develop a parcel that has sat and has not been able to be develop in some time. The smaller parking area will be a benefit to everyone by having a more vibrant, economically viable project. It also suits the times as it is geared towards trades, as domestic production will increase locally in the coming years. People will want places to work, park a truck and store some materials, pick up assignments, meet clients, etc.
- D. *Whether the variance will adversely affect the delivery of governmental services.* He believes that police, fire and EMS would weigh in. This is typically what he looks at in this section of the Duncan factors. Water, sewer and those types of services are all available and he does not believe they have received negative feedback from police and fire. He stated they won't be adversely affecting the delivery of government services.
- E. *Whether the property owner purchased the property with knowledge of the zoning restriction.* He stated yes, there is no running from that. The property was subject to contested litigation

and the result of that yielded its current zoning classification. They are trying to work as best as they can within that resolution.

- F. *Whether the property owner's predicament can be obviated through some method other than a variance.* Going back to the strict application of the zoning resolution it is probably going to render this property undevelopable, it has been that way for some time. The owner has said that there are no other serious development offers that have come along over the years.
- G. *Whether the spirit and intent of this Zoning Resolution will be observed and substantial justice done by granting the variance.* The intent of the zoning resolution is for this to be developed commercial office space and that is what they will give with a modernized approach on what they think will work. Building a traditional, multistory office building that is going to be filled with lawyers, accountants or loan officers is not realistic in this day and age. Building something that people are going to go out and build, electricians, contractors and things like that they think is viable and in demand. He looks at these projects in other municipalities; there are people working in townships illegally from their home because they don't have viable options to work in an established space. This kind of thing drives growth, and it gives those people a place to work without violating zoning resolutions in terms of home office or home business.
- 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.* The litigation and the zoning resolution made this property very, the unique, size of the property and its location. Abutting public rights of ways are unique and there is also 20 foot water main easement on the northern portion of that parcel. For all of those reasons they will respectfully request that the board exercise discretion to grant variances from strict application of the zoning resolution and allow this project to move forward. He mentioned that they believe this will greatly benefit the area, the township, the neighborhood and ultimately the residents.

Mr. Firestine stated that if anyone has any questions he would be happy to answer them. He shared that Roger Nair is also present and can also answer questions.

Mr. Schigel swore in Zoning Inspector, Daryl Lucien.

Mr. Schigel asked if there is any permitted parking on Bluebell? For example, if it were to get busy and people started parking on that side of the street. Mr. Firestine stated that he does not believe so, and that the intent is for the parking to be confined to the premises.

Mr. Lucien advised that the occupancy of these buildings are based on three or four employees and these are not retail establishments where people are walking up and purchasing items like an eye glasses store, etc. He further explained that the algorithm that we have in the resolution is a best guess on what we have out there in the world, but this is a special situation, and it's a new design of occupancy.

Mr. Schigel asked if the building is a single story? Mr. Firestone stated yes. Mr. Schigel then asked about the proposed height of the building, in which they replied 18 feet.

Mr. Roger Nair, 553 Winter Brook Dr. Valley City, OH was sworn in by Mr. Schigel. He stated 18 feet is the proposed height. Mr. Schigel asked about the landscaping facing the development and what does that look like? Currently when they look at their window there are nice trees, etc. Mr. Nair responded that they are going to try to keep as many natural trees as they can. In the winter, they'll have evergreens. They have landscaping plans that they have submitted. Mr. Schigel asked if he had to guess the general width of the tree area, what would that be? Mr. Nair responded with twenty feet, if he had to guess.

Mr. Timura asked how many units will there be? Mr. Nair stated fifteen. Mr. Timura asked if there will be overhead doors? Mr. Nair said yes. One is facing east with the doors on it and the other is facing south with the doors on it. Mr. Timura confirmed if they'll be where the parking spots are going to be? Mr. Nair

stated yes. Mr. Timura asked if there is enough room for multiple vehicles inside? Mr. Nair responded yes. Mr. Nair shared that there is a big demand for these types of units. Mr. Schigel asked if all fifteen units are the same size? Mr. Nair responded yes.

Mr. Wetterman inquired about the types of vehicles, as far as trucks, vans, etc and no semis? Mr. Nair responded correct. Mr. Nair shared that as part of the zoning that is set up and the bylaws of the association, whatever business wants to go in there would have to apply to the zoning office and they have to approve it. The zoning office would have control of what goes in there.

Mr. Lucien stated that the packet that went before the Zoning Commission contained the declaration of condominiums; which contained that any transfer of ownership or use has to come before the Zoning Inspectors office before it could be finalized, so we are not getting into off brand uses of the facility.

Mr. Timura asked about landscaping again, he stated that we have already discussed on the side facing Butterfly, what will there be if anything facing Pearl? Mr. Nair stated that he wants it to be aesthetic and crisp. He shared that he has a landscaping background. It will have nice landscaping that everyone can be proud. Mr. Timura asked if it will be similar to what Lamphear's has? Mr. Nair stated yes. Mr. Timura asked if there will be doors for someone to come in and see their plumber for example? Mr. Nair stated yes, there will be a walking door.

Mr. Schigel stated that the property was up for sale for many years. Do they know for around how many years? Mr. Lucien stated 1991, it started out as RR (Rural Residential). Mr. Schigel asked if we know when it was switched to C-1? Mr. Lucien said it was finalized in December 2005, the judge signed a decree that was basically an agreement between Brunswick Hills Township to proceed with two parcels on Pearl (there is another parcel on the other side of Bluebell) to be C-1. There is a parcel south of Bluebell Parkway that is RR.

Ms. Barron mentioned that a lot of the comps that were put in the application were combined storage, warehouses, offices, does this just contain the office condos or is there more to come? Mr. Nair stated that there are fifteen and they are all duplicates, this is a big project, and these are very common in Florida, they call them contractor units or the caves. Ms. Barron stated that these are going to be individual owners in each unit, and if you are an owner, we're looking at vans, trucks, and contractors but no heavy equipment, how do you limit that? Mr. Firestine shared that these will be condominiums and therefore they drafted restrictions that will prohibit things like that, for example if someone was going to bring in a bulldozer. They have provided a copy of those restrictions earlier on in the process. Mr. Firestine shared that outside parking will be limited and outside storage will be prohibited, if you're a mason you can't have a load of bricks in the common area that is supposed to be used by everyone. Mr. Timura asked if the owner can sublease? They responded, yes.

Mr. Schigel asked about the lighting around the facilities. Mr. Nair advised that when they went through the Zoning Commission they showed that, they had to make sure the lights were in the right areas and the right LED, etc. Mr. Nair shared that he knows this as he had to go back to the engineer and make some updates on that. Mr. Schigel asked if there were any other questions from the board. There were none. Mr. Lucien wanted to talk more about setback issues and parking. In his opinion those issues were solved at the Zoning Commission, when the site plan was presented. Ms. Barron asked Mr. Lucien if there were any concerns from police or fire department. Mr. Lucien stated he has spoken with them and if there were any concerns they would be present tonight. Mr. Lucien stated that there was a question about where a fire hydrant was going to be, but apparently that is not an issue.

Mr. Schigel asked if there was anyone in the audience that would like to have additional testimony or evidence on this case today?

PUBLIC COMMENT:

Thomas DeCastra, 358 Topaz Lane was sworn in by Mr. Schigel. Mr. DeCastra stated that he is the Chairman of the Zoning Commission. He shared that the applicant did come before the Zoning Commission with their site plan and the board motioned to recommend for approval, with modification and with the acceptance of Board of Zoning Appeals on the variances and move it forward to the trustees. He shared that the strip of land between the property and the residential area will be twenty-five feet of landscaping, as per the zoning requirement. He also shared that he does not believe there are any other houses besides the one on the corner where the road takes a U, there is one house behind there. Mr. DeCastra shared that they did an excellent job with their site plan and as a resident of the township, he shared that he also supports this.

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. Schigel- yes, Mr. Timura- yes, Mr. Wetterman- yes
- B. Whether the variance is substantial.
Mr. Timura- no, Ms. Barron- yes, Mr. Schigel- no, Mr. Wetterman- 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.
Ms. Barron- yes, Mr. Timura- no, Mr. Wetterman- no, Mr. Schigel- no
- D. Whether the variance will adversely affect the delivery of governmental services.
Mr. Timura- no, Mr. Schigel- no, Ms. Barron- no, Mr. Wetterman- no.
- E. Whether the property owner purchased the property with knowledge of the zoning restriction.
Mr. Schigel- yes, Mr. Timura- yes, Mr. Wetterman- yes, Ms. Barron- yes.
- F. Whether the property owner's predicament can be obviated through some method other than a variance.
Mr. Wetterman- no, Ms. Barron- yes, Mr. Timura- no, Mr. Schigel- for the size that he would like no.
- G. Whether the spirit and intent of this Zoning Resolution will be observed and substantial justice done by granting the variance.
Ms. Barron- yes, Mr. Timura- yes, Mr. Schigel- yes, Mr. Wetterman- 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- yes, Ms. Barron- yes, Mr. Wetterman- yes, Mr. Schigel- yes.

Mr. Schigel stated that if anybody in the audience is adversely affected by our decision tonight made by the Board of Zoning Appeals, they have a right to file in Medina Court of Common Pleas on the ground of such decision was unreasonable or unlawful. They have 30 days by the date the decision letter is signed for that appeal.

Motion: Mr. Schigel makes a motion to permit PP#001-02D-27-035 in zoning district C-1, the building setback of 50 (fifty) feet in variance one and proposed parking spaces of 45 (forty five) in variance two. Mr. Wetterman seconds.

Roll Call: Mr. Timura- yes, Ms. Barron- yes, Mr. Wetterman- yes, Mr. Schigel- yes.
Motion approved.

Mr. Schigel stated that with the approval of these variances in 30 (thirty) days we will sign a decision letter that will be mailed out to the applicant. Mr. Schigel made them aware that anyone could go to the Medina County court to appeal and that they should not start construction next week or the week after. Mr. Firestine and Mr. Nair thanked the board.

OLD BUSINESS: None

ADDITIONAL BUSINESS:

Mr. Daryl Lucien, Zoning Inspector shared that in 1991 until now in the zoning resolution there has been an article regarding a certificate of non-conforming use. This is a document that has never been drafted by anyone, it is a document that gives permission to the property owner to continue what they have always been doing. Some people would call it a grandfather clause, Ohio State law does not allow grandfather clauses under Ohio law but local governments can establish a form of grandfathering and that's basically what this is.

Mr. Lucien provided handouts to the board and discussed that since he started in January, three instances requiring activation of this clause have presented themselves. Under the way the clause operates he had to draft a document and had to pass it through legal, and then had the trustees look at it. He then received a resolution number accepting the document, that carries it forward as an official document. He has copies of the three of them for us to file. The landowners each got their own packet with this document, and it's issued by the zoning inspector. He wanted the BZA to know this tool exists and have them be aware of it.

Mr. Timura asked where is the BZA involved in this? Mr. Lucien advised that basically he is handing out a variance. Mr. Lucien stated that this protects the township as well as the people owning the property. Mr. Schigel asked if we ran it by Mr. Richter? Mr. Lucien stated that it's been in the resolution since 1991. Someone thought it was a wise thing to do and the language is pretty much intact. Mr. Lucien stated that the document needs to be in three places, a copy to file with the BZA, a copy for the zoning office to file and a copy to the land owner.

Mr. Schigel suggested we put a binder in the office with these types of documents as the board members could transition every few years. Mr. Schigel shared that this is a great find and it's something we should continue utilizing.

Mr. Lucien moved on to discuss applications for zoning permits, all of them have similar language. Pools, fences, accessory building or house, no matter what it is, if there is a permit for it we have a stop gap which says either 6 months, if you don't start the project then you have to reapply. Some of them say one year and then the certificate is null. Other townships have the zoning appeals letters reflect similar language. When the BZA issues a variance and our letter has no stipulation as to a stop clause. We will run into situations where someone can have a very old variance where nothing was done with it. The old variance that someone could have from the nineties may not have the same look and feel of the area as it stands now. Mr. Lucien recommends modifying the letter so when the board gives a variance so the

person with that variance has to act on it within a certain time frame. It gives the township an element of protection.

Mr. Schigel stated we will look at this and look at verbiage of a stopping point.

Mr. Schigel asked if there was any other public comment, there was none. Mr. Schigel asked if there was any new business for next month? Secretary confirmed that there is no new business for next month.

ANNOUNCEMENT OF NEXT MEETING DATE: Wednesday, November 5th, 2025, at 7:00 p.m.

MOTION TO ADJOURN

Mr. Timura made a motion to adjourn. Mr. Schigel second the motion.

Roll Call- Mr. Wettermann- yes, Ms. Barron- yes, Mr. Timura- yes, Mr. Schigel- yes

Meeting officially adjourned at 8:13 pm

Respectfully Submitted,
Dalith Beck, Zoning Secretary

Chris Schigel, Chair

Date