

**Brunswick Hills Township
Zoning Commission Public Hearing Minutes
August 13, 2026
Variance Period of Validity — Section 1005-3**

Call Meeting to Order

Mr. Witt called the second Brunswick Hills Township Zoning Commission Public Hearing of the evening to order at 7:21 PM. This hearing is the continuation of the public hearing regarding the proposed Zoning Resolution text amendment addressing the period of validity on variances, section 1005-3.

A roll call of the board was executed.

- **Board Members in Attendance:** Mr. Witt, Mrs. Wetterman, Mr. McFarland, Mr. Kalina, Ms. Brunn
- **Alternate Board Members:** Mr. Molnar
- **Board Members Absent:** None
- **Others in Attendance:** Mr. DeCastra, Trustee; Mr. Humphrey, Assistant Zoning Inspector; Ms. Beck, Secretary

PURPOSE OF PUBLIC HEARING

Mr. Witt noted that the proposed language was received at the Planning Commission's August 5, 2026 meeting. He noted that he attended that meeting and that the Planning Commission did not extensively debate the language itself, arriving at the recommended verbiage after the meeting. He further noted that the Planning Commission's recommendation included an extension provision, which the Zoning Commission had previously agreed to remove from its own proposed language, preferring instead to require reapplication if substantial work had not commenced within the one year period. Mr. Witt stated that both approaches requiring reapplication through the BZA or allowing the Zoning Inspector to grant extensions were on the table for discussion.

COMMISSION DISCUSSION:

The proposed language presented to the commission reads substantially as follows: No variance granted by the Board of Appeals shall be valid for a period longer than one year from the date of approval, unless within such period the applicant has obtained a zoning certificate and commenced substantial work authorized by the variance. The Zoning Inspector may grant an extension of time upon a finding that circumstances beyond the applicant's control prevented commencement of the approved activity.

The commission discussed the Planning Commission's recommendation in detail, including both the "substantial work" trigger and the extension provision.

Mr. Kalina stated that he is supportive of the Planning Commission's recommendation regarding the extension provision specifically, that the Zoning Inspector (rather than the BZA) may grant an extension upon a finding that circumstances beyond the applicant's control prevented commencement of the approved activity. He drew on his personal experience as a property owner in Medina County, noting that no township in Medina County currently has a deadline on a variance and that all variances run with the land in perpetuity under existing law. He stated that requiring a resident or applicant to go back through the full BZA process, including readvertising, notifying neighboring properties, and paying application fees simply to obtain more time due to circumstances outside their control is an undue burden.

Mr. Witt acknowledged that in prior discussions the commission had agreed not to place extension authority with the Zoning Inspector and had preferred requiring reapplication. He noted that he was one voice and that the commission as a whole should decide. Other board members expressed comfort with

granting the Zoning Inspector extension authority, noting this approach is consistent with the Medina County Prosecutor's guidance.

Mr. Molnar raised the question of whether the extension language should specify a maximum duration, so that the Zoning Inspector cannot grant an open-ended or indefinitely long extension. He expressed concern that without a defined limit, an extension could theoretically be granted for an unreasonably long period.

Mr. Humphrey agreed that the extension should be for a defined, specific amount of time rather than an open ended grant. He suggested the language specify that the Zoning Inspector may grant an extension of "a set amount of time," meaning the Inspector would determine and state a specific duration (for example, 30 days, 60 days, 6 months) rather than simply saying "you have an extension." He noted that the determination of the appropriate length should be within the Inspector's discretion based on the circumstances, and that a maximum cap is not necessary as long as the extension is defined rather than open ended.

Mr. Kalina read the revised language "The Zoning Inspector may grant an extension of a set amount of time upon a finding that circumstances beyond the applicant's control prevented commencement of the approved activity." The phrase "a set amount of time" was noted as a bracketed placeholder to indicate that the Inspector defines the specific duration at the time of granting. Ms. Brunn confirmed the board's agreement with this approach, noting she is comfortable with the Zoning Inspector making that determination.

Mr. Molnar asked who is responsible for verifying that "substantial work" has commenced, and whether the resolution should explicitly state that the Zoning Inspector is the responsible party. The board agreed this is an important clarification. Mr. Witt and Mr. Humphrey both noted that "substantial" and "reasonable" are inherently subjective terms that will not mean the same thing to every person. Ms. Brunn agreed.

Mr. Witt stated his view that "substantial work" was the Planning Commission's preferred. He further noted that the BZA retains the ability to define, within each individual variance approval, what specific work is required to satisfy the commencement requirement for that project, providing a project specific standard rather than a blanket definition in the resolution.

Mr. Kalina noted that no other Township in Medina County currently has a deadline on variance validity, and that all previously granted variances in Brunswick Hills Township run with the land in perpetuity under existing law. He further noted that Ohio Supreme Court case law acknowledges that either the BZA or the Zoning Commission may set a time period on variances, either through the resolution or at the time of the meeting. The proposed amendment would establish a one-year period of validity for variances going forward; it does not affect previously issued variances.

Following discussion, the commission reached consensus on the following proposed language for Section 1005-3:

"No variance granted by the Board of Appeals shall be valid for a period longer than one year from the date of approval, unless within such period the applicant has obtained a zoning certificate and commenced substantial work authorized by the variance. The Zoning Inspector may grant an extension of a set amount of time upon a finding that circumstances beyond the applicant's control prevented commencement of the approved activity."

PUBLIC COMMENT:

Mr. Witt opened the floor for public comment. No public comment was received.

MOTION TO CLOSE PUBLIC HEARING:

Motion: Ms. Brunn made a motion to close the public hearing regarding the proposed Zoning Resolution amendment addressing the variance period of validity. Mr. Kalina seconded the motion.

Vote: All in favor – Aye unanimously.

ANNOUNCEMENT OF NEXT STEPS:

The commission will vote on the proposed Zoning Resolution text amendment to Section 1005-3 at its next regular meeting, scheduled for Thursday, September 3, 2026 at 7:00 PM.

Meeting adjourned at 7:42 PM.

Respectfully Submitted,

Dalith Beck, Zoning Secretary

A handwritten signature in blue ink, appearing to read 'Dalith Beck', written over a horizontal line.

9/3/26

Edward Witt, Chair

Date