Brunswick Hills Township
Board of Zoning Appeals Regular Meeting Minutes
October 7, 2026

Call Meeting to Order
Mr. Schigel called the Brunswick Hills Township Board of Zoning Appeals Regular Meeting on October 7, 2026 to order at 7:03 PM. Mr. Schigel asked all present to stand for the Pledge of Allegiance.

Mr. Schigel noted that a quorum of four members is present, the meeting has been properly advertised, and is being recorded for the record. The Brunswick Hills Township Board of Zoning Appeals acts within the regulations of Section 519 of the Ohio Revised Code.

A roll call of the board was executed.

- **Board Members in Attendance:** Mr. Schigel, Ms. Barron, Mr. Krall, Mr. Radesic
- **Board Members Absent:** Mr. Timura
- **Others in Attendance:** Mr. DeCastra, Trustee, Ms. Porter, Zoning Inspector, Ms. Beck, Secretary.

APPROVAL OF MINUTES
Mr. Schigel asked the board to review the minutes from the previous meeting.

Motion: Mr. Schigel made a motion to approve the Board of Zoning Appeals August 5, 2026, meeting minutes as written. Mr. Krall seconded the motion.
Roll Call: Mr. Radesic- yes, Ms. Barron-yes, Mr. Krall- yes, Mr. Schigel- yes

NEW BUSINESS
Ms. Beck confirmed there was no new business to come before the Board this evening. Ms. Beck advised the Board that two new cases have been received and will be heard at the November 4, 2026 regular meeting:

Case No. 2026-04 – Robert A. Bosak and Denine Bosak, 1099 Substation Road – Variance request related to a proposed garage location in front of the existing dwelling (R-1 zoning, Section 1005-1).

Case No. 2026-05 – Blue Bell Series of Bennett Land Holdings LLC (Fox Village Housing Development) – Five variance requests in connection with a proposed residential development (R-3 zoning).

Discussion took place regarding the order in which cases would be heard at the November 4 meeting. It was agreed that cases would be heard in the order in which applications were received (first come, first served), which would place the Bosak garage variance (Case No. 2026-04) first, followed by the Blue Bell/Fox Village variances (Case No. 2026-05). Case numbering was also discussed. Mr. DeCastra recommended that BZA cases be assigned a formal sequential case number going forward.

OLD BUSINESS
Mr. Schigel confirmed there was no old business to address.

Introduction of New Zoning Inspector
Mr. Schigel welcomed the Township's new Zoning Inspector, Ms. Cheryl Porter, who has been sworn in and has already begun her duties. The Board expressed enthusiasm for her presence and looked forward to working with her.

ADDITIONAL BUSINESS – Board Training Discussion

The Board engaged in an extended discussion stemming from an approximately one hour training video that members had been asked to review prior to the meeting through the OTA website. The discussion focused on improving procedural practices for future hearings, particularly in light of upcoming complex cases.

Meeting Agenda Structure

Mr. Schigel noted a key takeaway from the training: at the opening of each meeting, the Chair should announce the specific cases to be heard that evening, including the case number, property/applicant name, and a brief one sentence of information regarding the variance being requested. This ensures that members of the public and the Board are immediately informed of the meeting's intent.

Finding of Fact

Significant discussion took place regarding the concept of "finding of fact." The training emphasized the importance of the Board identifying and articulating the factual basis for its decisions – particularly which Duncan factors weighed most heavily in the vote and why. Mr. DeCastra shared a finding-of-fact framework appropriate for Ohio townships, which included: identifying property facts (acreage, zoning, current use, and surrounding zoning); evaluating credible and relevant evidence presented at the public hearing, including public testimony; and concluding with a statement that the Board's decision is based solely on competent, credible, and probative evidence presented in the record.

Discussion was also held around the use of a standardized finding-of-fact worksheet that members could use during hearings. Ms. Barron suggested a simplified version noting weighted Duncan factors, and proposed that one member from the majority summarize the findings on the record following the vote.

Conclusion of Record

The training stressed the importance of a "conclusion of record" following each vote. The Board discussed implementing a practice in which one member from the majority – whether approving or denying a variance – briefly states on the record the primary factual reason(s) for the vote. This provides a clear, court-defensible rationale should a decision be challenged. Mr. Schigel proposed the following sequence for future hearings: (1) hear all testimony; (2) deliberation (private, if warranted, for complex cases); (3) Duncan factor discussion; (4) motion, second, any additional discussion; (5) vote; (6) conclusion of record statement by a member of the majority.

Duncan Factors

The Board discussed the role of the Duncan factors in hearings. The training noted that not all Duncan factors carry equal weight in every case – the Board should focus on the factors most relevant to the specific variance requested. Ms. Porter noted that the prosecutor's office continues to reference the Duncan factors as a guiding framework and recommended that the factors continue to be addressed in hearings and reflected in the meeting minutes. Ms. Beck confirmed that her meeting minute template includes all Duncan factors with a yes/no notation for each member's vote.

Deliberation Process

Mr. DeCastra clarified that per Robert's Rules of Order, the proper sequence for action is: motion, second, discussion, then vote. For complex cases, private deliberation may be appropriate prior to the formal motion to allow members to discuss the facts and gauge the group's direction. It was clarified that no decision is made in deliberation – only a general sense of direction is established. Ms. Porter confirmed that the Zoning Inspector does not participate in deliberations, as she functions in the capacity of a witness.

Conditional Use Certificates

Mr. Schigel noted his understanding from the training that if an applicant meets all conditions set forth in the Township's zoning resolution for a conditionally permitted use, the Board has limited authority to impose additional conditions or deny the request. Mr. DeCastra confirmed that conditions may only be imposed on a conditional use permit if the Township's zoning resolution expressly authorizes it, and the conditions must be reasonably related to the proposed use. Conditions that are arbitrary, unenforceable, conflict with the zoning resolution, or require the applicant to surrender constitutional property rights are not permissible. Mr. DeCastra added that if an applicant makes a false statement under oath, that constitutes perjury and legal recourse is available to the Township.

Site Visits / Education vs. Research

Discussion arose regarding Board members reviewing properties or the surrounding neighborhood prior to hearings. The Board distinguished between "research" (independently gathering evidence about a specific case or speaking with neighbors) and "education" (driving through a neighborhood to become generally familiar with the township). Mr. DeCastra stated that driving through a neighborhood to understand its character is education about the township, not case specific research. The key guidance from the training was that if a Board member observes something relevant during a site visit, that observation must be stated on the public record during the hearing so it becomes part of the evidentiary record.

Incomplete Applications

Ms. Barron raised a concern about incomplete applications coming before the Board. Mr. DeCastra noted that if a Board member believes an application is incomplete, the concern should be raised immediately at the hearing. Ms. Porter confirmed that ensuring applications are complete prior to scheduling is a duty of the Zoning Inspector.

Right to Challenge / Court of Common Pleas Notification

Ms. Barron inquired whether the Chair is required to advise applicants of their right to challenge a decision in the Court of Common Pleas, even when a variance is approved. Mr. Schigel confirmed that this notification should be given in all cases, as a member of the public or a neighbor may wish to challenge an approved variance.

Caves of Bluebell / Stop Work Order

Mr. DeCastra briefly noted that the Caves of Bluebell development has been issued a stop work order. The developer has been directed to cease construction and has been advised that they must either submit a revised site plan or reapply formally through the BZA. Mr. DeCastra noted this matter may come back before the Board in the future.

PUBLIC COMMENT:

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

ANNOUNCEMENT OF NEXT MEETING:

Mr. Schigel announced that the next regular meeting of the Brunswick Hills Township Board of Zoning Appeals will be held on Wednesday, November 4, 2026 at 7:00 PM.

MOTION TO ADJOURN

Motion: Mr. Krall made a motion to adjourn the October 7, 2026 Board of Zoning Appeals meeting. Mr. Schigel seconded.

Roll Call: All in favor- aye. The meeting was adjourned at 8:23 PM

Chris Schigel

Chris Schigel, Chair

11/04/26

Date