

**Brunswick Hills Township Board of Zoning Appeals
Public Hearing Meeting Minutes
Township Hall
September 4, 2024**

Call Meeting to Order

Chairman, Chris Schigel called the Brunswick Hills Township Board of Zoning Appeals Public Hearing meeting for August 7, 2024 to order at 7:00 p.m. A roll call of the board was executed.

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

Alternate Board Members in Attendance:

Others in Attendance: Fire Chief Anthony Strazzo, Trica Murphy, Trustee, Wes Humprey, Asst. Zoning Inspector, Brian Richter, Assist Prosecutor Medina County, Dalith Beck, Zoning Secretary

Chair Schigel stated a quorum is present. 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 no, simple majority vote, 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. August 7, 2024 Regular Meeting Minutes

Mr. Schigel stated we have the minutes to approve from August 7, 2024

Motion: Mr. Kersten moved to approve the minutes as written for the August 7, 2024 regular meeting. Mr. Wetterman seconds.

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

Mr. Schigel stated we have 3 cases for tonight and asked if any if the board members need to be recused from the applications on this case? Having no one, Mr. Schigel stated that as we do our case for tonight, that all comments or concerns be directed to the board. Mr. Schigel asked that they state their name and address for the record. If there is anything that you want to say, please wait and you will have a chance to be heard.

Mr. Humphrey and Fire Chief Strazzo were both sworn in by Mr. Schigel.

Mr. Destro came to the stand and was sworn in by Mr. Schigel.

OLD BUSINESS:

1. TDOE, LLC/ Tony Destro, 301 Marks Road PP# 00102A10033- Variance

Mr. Destro stated that he thought that his lawyer was supposed to attend and confirmed if the violations were going to be done today as well. His lawyer thought that the violations were supposed to be delayed until the other requests were dealt with and were not on the agenda. Mr. Schigel stated that all three are on the agenda for tonight (the variance, the conditionally permitted use and the multi- zoning violations)

Mr. Destro stated that his lawyer is out of town. He read a text message from his lawyer that stated that he could ask for a continuance on the violations. Mr. Kersten stated he's had a total of 5 months and that the time is up and that the violations would be heard tonight.

Mr. Schigel stated that as mentioned, the first case we will hear tonight is the variance case which would be 303-5 (F) to permit outside storage of materials, equipment, and supplies in front of a commercial structure and told Mr. Destro to go ahead and state his case.

Mr. Destro he is asking for the variance due to the way his property is set up, the building is set almost all the way back of the property so the only space to store any of his supply materials would be in front of the building and it's been that way since the 60's, there has always been materials, trucks and their stuff outside. He stated that when he purchased the property, he put a fence up on the north side and they put hills up so you can't see the materials stored on the property.

Mr. Destro stated that this is specifically for the variance case, the outdoor storage. He asked what kind of materials are being stored there? As he doesn't know if they are hazmat materials, etc. Mr. Destro responded he has a lot, mostly steel, rubber belting, used oil for oil burning furnace, insulation board, steel (repurposes a lot of steel) and that nothing stays there more than a year or two-ish.

Mr. Wetterman how long does motor oil stay outside? Mr. Destro responded, all of the time.

Mr. Wetterman asked if it was a fire hazard and Mr. Destro replied that you are allowed to store used oil outside if you use it for the oil furnace. Mr. Destro stated that Chief Strazzo and Fire Prevention officer Payne looked at it and they said it was fine for it to be outside. Mr. Destro stated that they had recommended to move it away from the building in which he did to the other side of the building close to the hill.

Mr. Schigel asked if the equipment and supplies outside, does that include the cars and boats? Mr. Destro replied that there are no boats, there are two jet skis.

Mr. Destro stated that are also two classic cars, in which he thinks he will get historical plates for them and keep them instead of scrapping them. Mr. Destro stated there are trucks as well but he uses those. He stated he was waiting on this hearing to see what he needed to move.

Mr. Schigel asked if he is selling the steels or is he teaching young apprentice how to do that? Or what does the business look like? Mr. Destro said all of that, he makes a lot of projects with the items, he built a couple of bridges and has repurposed a lot of that. Mr. Destro shared that he started a welding class and is reaching out to the community. Mr. Kersten asked if he charges for the welding class? Mr. Destro responded yes, just a little bit. Mr. Kersten followed up asking if he had permits for this? Mr. Destro stated yes and Mr. Kersten stated that he doesn't think he has permits for the school. Mr. Destro stated that if he needs one he will get one or he will do it for free. He just won't charge for the charge.

Mr. Schigel stated that when Mr. Destro was back here in 2019 getting the variances, he was purchasing the property and have the welding business there and drastically clean up the property and paint the buildings, but there are things out there that still haven't been addressed in 5 years.

Mr. Destro stated he did clean up some of the property, removed the cars. Mr. Wetterman stated that the students come in that he is teaching are seeing the stuff.

Mr. Kersten asked if he has a permit to run the business and have customers come on the property. Mr. Destro stated that he is a business and that he assumes so. Mr. Kersten asked if he is registered with the county and if he has business permits, Mr. Destro stated yes.

Mr. Timura asked the things are associated with the business, would it be stored in one area or in multiple areas around the property. It looks like its scattered around. Mr. Destro replied that it's mostly the edges of the property. Mr. Timura- there is not room inside the building? Mr. Destro stated that the inside is mostly full. The ceiling is shorter and there isn't a lot of room.

Mr. Wetterman- The jet skis that belong to the previous owners, can't they be remove them from their property? Mr. Destro stated that they probably can. Mr. Wetterman stated that he suggests to remove them from the property. Mr. Timura stated that it could be a potential a liability risk since they are not his and they are on his property.

Mr. Schigel stated the jet skis, the cars and all of that are not part of the steel business. Therefore what Mr. Destro is asking for is to have the steel outside for the welding and what else would we be approving for the business if approved?

Mr. Destro stated the building materials, the steel, the rubber belting (approx. 10 ft X 4 ft spot) concrete barriers, insulation boards until he knows if he can use it or not.

Mr. Destro asked If there is anything else that he has. Mr. Strazzo stated that he has a whole bunch of stuff (passed out photos of what he has on his priority from July 2024 if the board would like to see)

Mr. Schigel asked if anyone currently lives on the property? Mr. Destro responded yes
Mr. Kersten asked when were these taken? Chief Strazzo replied with 7/22/2024

Mr. Kersten- stated that we have a statement from Mr. Destro from 2019 stating that he was going to religiously clean it up. Mr. Destro stated he would have never said that. Mr. Schigel clarified that Mr. Destro had stated drastically. Mr. Kersten stated but it wasn't (cleaned up)

Ms. Barron asked in regards to the two motos homes on the property and asked if they are personal or business use? Mr. Destro stated that one is personal use and the other one he takes to job sites and sleeps in it, another one has parts for the one he takes to job sites.

Mr. Timura asked about the trailer that looks like he hasn't been moved in a while, there are weeds on it. Says "Jay cocker construction" Mr. Destro stated he bought that from someone and uses that for his business too. Mr. Destro stated that he puts stuff in it when he isn't using it and sometimes moves stuff in it for the business.

Mr. Destro passed out his cell phone that shows what the property looks like now.

Mr. Timura asked if it's just him that runs the business? Mr. Destro stated that it's mostly him but he has a big group of people that help him, kind of like a community.

Mr. Wetterman stated he sees two accessory buildings. Mr. Destro stated that one is gone now and the other one is a building that he wants to do the addition on (but it will not look like that) Mr. Schigel advised Mr. Wetterman that will be part of another variance.

Mr. Humphrey pointed to page 21- Outdoor business storage.

Mr. Schigel stated to be clear that the variance is for 303-5 (f) which is outdoor storage that we will be voting on once all questions are answered or after the audience has any comments. The things that fall on there may not be the same things that are on the citation that he received such as outdoor storage of boats and trailers, that's all on a separate case (last case) this is just strictly for the welding, steel etc that he needs to be utilized for the business.

Mr. Schigel asked if anyone had any more questions for Mr. Destro. Ms. Barron has a question for Mr. Humphrey- if we approve of continuance use of some storage. How can we control what is stored in there? Mr. Humphrey stated as a suggestion, he would give a spot or one area where you can store things on the property. Nothing else is to be stored outside.

Chief Strazzo stated that there are actually two buildings on the property. The second building houses an automotive repair business that it appears that Mr. Destro is subleasing property. That building has a lot of storage if it was used for storage and wasn't used as an automotive repair building. In another area, it appears he is subleasing to a contractor that does remodeling for commercial business so there are commercial rehab supplies there (paint, trim, etc). In our last visit we noticed another section with ones personal affects such as furniture, mattresses hanging from the ceiling. About the size of a single car garage within that building. Within those two buildings there is room to store items for his welding business but he chooses to either use it for automotive repair or rehab construction business. Mr. Strazzo also confirmed that on Nov 6,2019 Mr. Destro stated that everything would be inside.

Mr. Destro stated that he had set that that the new materials would go inside, the stuff that could get rusty. Mr. Destro stated that the lift is in there because his friend fixes all of his trucks and lift and he has a hobby where he fixes stuff for friends and family. As far as the storage of the building supplies, that's the very back of the shop. There would be no way for him to place his materials in there due to the ceiling be so low, the fork lift would not fit to move the items. The garage door is also too small and he wouldn't be able to fit his fork lift in there to move the items.

Mr. Schigel asked if there are any more questions for Mr. Destro. Mr. Timura- is it possible, if you wanted to put another storage facility? Like a 3 sided? Mr. Humphrey stated that it has to be completely enclosed.

Mr. Schigel asked if there is anyone in the audience that would like to commend on this case?

PUBLIC COMMENT:

Joseph Destro 4566 Baywood Dr

Mr. Joseph Destro was sworn in. He stated that he is Anthony's Destro's father. In regards to the property not being cleaned up, he stated that new siding was put in and that it looks 100% better than what it did before. It's important to realize that the main building was originally a horse barn, inside every 10 feet a 4x4 there is a pillar that is holding the roof up. There is no room to move around. That's why he needs to be able to store outside.

Mr. Wetterman- what you're saying is that the building was not designed for commercial use? Mr. Joseph Destro- it's an old building, he is making the best of what he has.

Mr. Timura- you're saying that the storage that is inside is new stuff that he doesn't want to rust. To Mr. Wetterman's point, If you wanted to keep big stuff in the building, then that building wasn't going to work.

Mr. Joseph Destro- While there is room to put stuff inside there just isn't additional space for the refurbished stuff that he can reuse.

Mr. Schigel- if approved, what looked like on July 22nd, cannot fly. On the outside those should be galvanized beams. Mr. Destro stated those will come down.

Mr. Wetterman- is that going to take another 5 years to complete?

Mr. Schigel- there are a lot of safety concerns that I would be concerned about.

Mr. Destro- I will work with it, once I understand what I can and cannot do.

Mr. Schigel asked if there is anyone else in the public that would like to comment on this case?

Mr. Timura- confirming that if we were to approve this, that the violations are separate would they have to be solved first?

Mr. Ritcher- Mr. Destro is here without his attorney so he cannot question him in regards to those violations. He suggests that the board can hear the variance and conditionally request and continue the violation until next month until the attorney can be here, he does have council. Mr. Ritcher suggestion is that it would be more appropriate to not hear the violation tonight until his attorney is present.

Mr. Schigel wants to make sure it's understood that this is for 303-5 (F) which is only covering the business portion of the stuff outside that he needs for his welding business, it does not cover the other violations. Mr. Timura- what constitutes part of the welding business and what is not? What is specific to the welding?

Mr. Schigel stated- Steel materials that he is repurposing, the oil drums, smoker grill is probably not. After we go through the Duncan factors, after we write our statement, we make it very specific to a welding business. So if there is a boat in there, that would not be part of the welding business.

Mr. Schigel asked the secretary to please go through the Duncan Factors.

DUNCAN FACTORS:

Where the appeal or application requests a use variance, that is, a variance for the approval of a use which is not permitted in the district, then the following standards shall be considered and weighed in determining whether the grant of a variance is warranted to afford relief of an unnecessary hardship:

- A. Whether uses permitted in the district may be reasonably established on the property and whether they are economically viable on the property in question without the variance.

Mr. Wetterman -yes, Mr. Timura-yes, Mr. Kersten- no, Ms. Barron- no, Mr. Schigel – no

- B. Whether the variance is the minimum variance which will afford relief to the property owner.

Mr. Timura- yes, Mr. Kersten- yes, Mr. Wetterman- yes, Ms. Barron- yes, Mr. Schigel- yes

- C. Whether the essential character of the neighborhood will be substantially altered or adjoining properties will suffer interference with their proper future development and rights as a result of the variance.

Ms. Barron- yes, Mr. Kersten, yes, Mr. Wetterman- yes, Mr. Timura- yes, Mr. Schigel- no (because stuff is already there)

- D. 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. Kersten- yes, Mr. Wetterman- no, Ms. Barron- yes, Mr. Timura- yes, Mr. Schigel- yes

- E. Whether the hardship condition was created by actions of the applicant.

Mr. Wetterman- no, Mr. Timura- yes, Mr. Kersten- yes, Ms. Barron- yes, Mr. Schigel- yes

F. Whether the spirit and intent of this Zoning Resolution will be observed and substantial justice done by granting the variance.

Mr. Kersten- no, Mr. Wetterman- no, Ms. Barron- yes, Mr. Timura- no, Mr. Schigel- no

G. Whether the use requested is similar in character to the permitted uses in the subject district.

Mr. Timura, no, Mr. Wetterman- no, Ms. Barron- no, Mr. Kersten- no, Mr. Schigel- no

H. Whether the subject property is adequate to meet the needs and requirements of the proposed use.

Ms. Barron- yes, Mr. Wetterman- no, Mr. Kersten- no, Mt. Timura- no, Mr. Schigel- no.

Mr. Kersten- The Duncan Factors are telling a story in this particular case. His opinion is that he sat here in 2019 and he got his variances and he didn't do what he said was going to do.

Board members discussed how the wording should be.

Chief Strazzo made a suggestion, he is working on a new site plan. Maybe eliminating to an area, confined to a specific area specified in the site plan as someone mentioned earlier.

Mr. Strazzo confirmed with Mr. Destro that a new site plan is being made. Mr. Destro agreed.

Motion: Mr. Schigel made a motion to allow materials needed for the welding business limited to a 20X50 feet area located towards the back of the property. Mr. Kersten seconds.

Roll Call: Ms. Barron-yes; Mr. Wetterman- no; Mr. Timura- yes; Mr. Kersten- no; Mr. Schigel- no

Variance requested was denied by a 3- No, 2- Yes vote.

Mr. Schigel stated that if anybody in the audience is adversely affected by our decision tonight made by the Board of Zoning Appeals, 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.

2. TDOE, LLC/ Tony Destro, 301 Marks Road PP# 00102A10033- Conditionally Permitted Use

Mr. Schigel advised Mr. Destro that for both permitted uses- one of the requirements for a full packet is a site plan, do we have a site plan? Mr. Destro replied no. Mr. Schigel stated that we cannot hear the case as or right now we cannot make a sound decision without having a site plan and all of the requirements of the full packet.

Mr. Destro stated that he was trying to see if he was able to get the residential use for the building before the site plan. The site plan is \$5,000, but if he was not allowed to get a residential use for the building then he wouldn't need the site plan. Mr. Schigel stated that he believes a site plan is needed before we can do any type of conditional permitted use. Mr. Destro stated he thought that the site plan was just for the addition?

Mr. Schigel confirmed to ensure we are understanding correctly, we have a variance, a conditionally permitted use and a multi zoning violation. We did the variance, the conditionally permitted use- the one he has is a single family residence attached to existing commercial structure.

Mr. Schigel asked Mr. Destro if he has two out there that he is trying to do?

Mr. Destro responded that he thought one was to do the additional on the building and one was to do a residential use inside of a commercial building. Mr. Schigel stated we don't have that. Mr. Destro responded that he might have put it together, that's why he asked his lawyer..he is not sure.

Mr. Destro stated that big picture, it would be to put the addition into the building and then have residential use in a commercial building since its conditionally allowed. Mr. Schigel advised that those would have to be two separate variances. Mr. Destro stated that he is unsure what he turned in (referring to his lawyer). Mr. Destro stated that he (his lawyer) thought this was supposed to be heard a different day.

Mr. Schigel stated that we have been lined up on the date for a while and we had granted a continuance since he (Mr. Destro) was out of town. Mr. Schigel stated that it seems very disorganized and right now we cannot hear the case as is, as there is no site plan. And if there is another one out there, that's another one he will have to fill out.

Mr. Timura asked if last months meeting was supposed to be on the same specific item? Mr. Kersten and Mr. Schigel stated yes, but he was not available. Mr. Schigel stated that his lawyer sent an email asking if we can have a continuance. Mr. Wetterman asked who the email was sent to. Mr. Schigel stated that the lawyers got together and discussed. Mr. Richter stated that there was a misunderstanding with the notices. A notice was sent last month but then there was something else that was crossed out by the Zoning Inspector and set it for this month to his understanding. The attorney original had this date, Mr. Destro is correct and then there were some other information that was sent.

Mr. Schigel reminded everyone that it's out for public record when our meetings are. Mr. Schigel stated that we accepted the plan so we should offer a continuance, we didn't accept a full packet.

It was discussed that the site plan needs to go through the Zoning Commission first and Mr. Destro doesn't currently have a site pan available. Mr. Schigel suggested that Mr. Destro resubmits when has everything available,

Mr. Schigel stated that we should vote on giving him a continuance since we accepted the packet and if he can't provide it then we can decide there.

Voting on continuance.

Motion: Mr. Timura makes a motion to give him a continuance until next meeting which is being held on October 2nd, 2024. Mr. Destro is supposed to have a full packet ready. Mr. Schigel- seconds.

Roll Call: Mr. Wetterman- no, Mr. Kersten- yes, Ms. Barron- yes, Mr. Timura- yes, Mr. Schigel- yes

3. TDOE, LLC/ Tony Destro, 301 Marks Road PP# 00102A10033- Multi-Zoning Violation

Mr. Schigel advised that Mr. Destro's lawyer is not present. It's up to the board to decide if we want to give him a continuance so he can have his legal counsel here before we have him go through his case.

Mr. Kersten stated his thoughts are no, we have given 6 months on violations, we are going into the 7th months, if they haven't gotten their act together in 6 months, we should make a decision.

Ms. Barron stated she would like to continue. Mr. Schigel asked if anyone else has a thought? Mr. Timura stated he agrees with Ms. Barron.

Motion: Mr. Schigel made a motion to provide a continuance until the October 2, 2024 meeting. Mr. Wetterman seconds.

Roll Call: Ms. Barron- yes, Mr. Wetterman- no, Mr. Timura- yes, Mr. Kersten- no, Mr. Schigel- yes.

Mr. Schigel advised Mr. Destro that October 2nd, 2024 he needs to have everything to us, and he is unsure if there is a way that he can. We've given continuance after continuance and we have to call it at some point. If you are not able to, it's up to you to work with Zoning if you want to withdraw any of the applications until you can get all of your stuff together. That is completely up to you, work with zoning on that.

NEW BUSINESS: No new cases were submitted for next month

ADDITIONAL BUSINESS: None

Mr. Schigel asked if there was any more public comment. There was none.

ANNOUNCEMENT OF NEXT MEETING DATE: Wednesday, October 2, 2024 at 7pm.

MOTION TO ADJOURN

Mr. Wetterman made a motion to adjourn. Mr. Timura second the motion. Roll Call: Ms. Barron- yes, Mr. Kirsten- yes, Mr. Timura- yes, Mr. Wetterman- yes, Mr. Schigel- yes.

Meeting officially adjourned at 8:34pm

Respectfully Submitted,
Dalith Beck, Zoning Secretary

Chris Schigel, Chair

Date