

Brown Township Zoning Commission

Brown Township Hall

5555 State Route 521

Delaware, Ohio 43015

DRAFT Meeting Minutes August 1, 2024

Attendees

Keith Holewinski, Chair

Kyle Vanderhoff, Vice-chair

Ian Capwell

Jeremy Williams

Julie Lisano

Stan Bean, Alternate

Steve Serio, Zoning Inspector

Steve Lisano, Zoning Inspector

Nick Creedon

Call to Order

Mr. Holewinski called the meeting to order at 7:05 pm.

Pledge of Allegiance

Attendees recited the Pledge of Allegiance.

Zoning Inspector Report

Mr. Lisano noted there was no BTZC meeting in July because of the July 4th holiday. He reported \$16,000 collected in fees to date and applications for a number of variances. The BZA will hear two variance applications August 14th, one for a rear setback and one for a proposed nonconforming fence. Steve Serio was introduced as the new Zoning Inspector.

New Business

Mr. Vanderhoff reported receiving a text from Connie Skinner reporting an increase in calls regarding Airbnbs. Would district FR-1 accommodate these? Current Resolution language does not address in permitted uses. Since these are being used more the BTZC could consider adding to the Resolution. Ms. Lisano noted a previous discussion related to Tiny Houses that were deemed to be covered as single dwelling homes. Mr. Lisano stated that a Bed and Breakfast has to be attached. Mr. Vanderhoff observed there is a process and the Trustees can approve it. Concern for how public would feel about Airbnbs expressed, might depend on the location, whether in town or on outskirts

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Old Business

The Landscaping and Noise Subcommittees are on hold. Chris Rinehart had provided a draft noise resolution that focused only on entities serving alcohol. The Noise Subcommittee (and BTZC) recommended that the Trustees acknowledge their legislative authority to regulate noise but not to make requirements based on one complaint. This issue should be monitored and addressed as needed. Mr. Holewinski plans to reach out to Connie Skinner regarding the Trustees' questions about this recommendation.

Chris Rinehart had offered to review and update Article 14 of the Zoning Resolution but not had submitted anything before he resigned from the BTZC. Ms. Sheets had provided a draft revised §14.03 based on Orange Township regulations that uses generic language rather than the NAICS Codes. Further work on Article 14 was deferred until Ms. Sheets was available.

Mr. Vanderhoff asked about the current status of the Henmick Rezoning. He was advised it was currently on hold pending an effort to have a referendum on the issue. Mr. Vanderhoof also expressed interest in the use of overlays in zoning rules and suggested looking for assistance regarding this tool.

Ms. Lisano announced she was resigning from the BTZC.

Adjournment

Mr. Vanderhoff moved and Mr. Capwell seconded that the meeting be adjourned. Mr. Holewinski adjourned the meeting at 7:50 pm.

Keith Holewinski
BTZC Chair

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Attendees

Keith Holewinski, Chair

Kyle Vanderhoff, Vice-chair

Ian Capwell

Aaron Heydinger

Stan Bean, Alternate. Old State Road

Steve Serio. Zoning Inspector

Vickie Sheets, Zoning Secretary

Connie Skinner

Paul Scheutzow, 3650 N. Old State Road

Brad Ross 8738 Fontanelle Road, Ostrander

Lori Scheutzow, 3650 N. Old State Road

Call to Order

The meeting was called to order at 7:00 p.m. by the Chair Keith Holewinski.

Pledge of Allegiance

Attendees recited the Pledge of Allegiance.

Changes to Agenda

Connie Skinner, Brown Township Trustee, added the topic of Airbnbs, to the agenda, saying that the Trustees are getting many questions regarding Airbnbs, from a variety of sources including property owners and realtors and that this is something that should be addressed with the Resolution work by the BTZC. Currently, the Brown Township Zoning Resolution is silent as to this topic. The three observers spoke up and said that they were attending the meeting with an interest in Airbnbs. Mr. and Mrs. Scheutzow shared that they have a kayak delivery system using the boat dock at Howard Road for their customers. They are interested in having an Airbnb on their N. Old State Road property, but when they approached the Zoning Inspector a couple of years ago, they were told that Brown Township does not allow Airbnbs and were not allowed to apply for a variance at that time. They are interested in the *Glamping Movement* as they have a enhance tent now used for family members that has been suggested would be ideal for use as an Air Bnb. It is not an RV or anything permanent. The

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Scheutzows believe that they ought to have the right to create an income stream from short term rentals, as property owners.

Mr. Vanderhoff noted that this would need research, including looking at how other places are regulating Airbnbs. The BTZC members would need to give thought as to where to place in the Resolution, how to define, whether to allow short term or longer periods of use, what language to use. Since this is new territory, the members would be looking for balance, how to allow for reasonable use without throwing open floodgates. Mr. Capwell noted that septic is an example of a concern. Ms. Scheutzow said their family members use the bathroom in their home.

Mr. Holewinski observed this might be an accessory use, saw a need to look at how home bed and breakfast are addressed. The members seemed willing to consider the topic, but Mr. Holewinski advised the process takes time. The Resolution amendment process requires the BTZC to do their work and possibly make a recommendation to the Trustees. There needs to be hearings to allow public comment on any proposals to amend. The observers thanked the members for their time and consideration. Ms. Scheutzow said, as they were leaving, that allowing Airbnbs might help tourism in the township.

Approval of Minutes

With the focus on the Henmick Hearing that she had not participated in, Ms. Sheets was not sure that the May 2024 minutes had been adopted in June. They had not. Mr. Vanderhoff moved that the May minutes be adopted with correction of a typo. Mr. Capwell seconded and the motion passed. Ms. Sheets was ill and missed the August meeting. Mr. Holewinski shared notes for August that Ms. Sheets will use to draft minutes.

Regional Planning Meeting Attendance

Ms. Sheets said she added this to the agenda because there had been concern shared that Brown Township had not been represented at two meetings this summer. The members had covered meetings when they were asked but couldn't go to meetings if they didn't know. Ms. Sheets said this agenda item

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would serve as a reminder to cover the meetings. Mr. Serio attended the August meeting and will also attend the September meeting. Mr. Heydinger participates with the Planning Commission and said he could be a back-up. He also suggested that a Brown representative on the Regional Planning Executive Committee would be beneficial. (Former Zoning Inspector Susan Kuba had served on that group.)

Zoning Inspector Report

Mr. Serio issued 6 permits in August for a total of \$650. He mentioned a rumor that Camper World was bankrupt. Mr. Capwell spoke of the expansion road now planned and that RCD may move to the Camper World location. Mr. Heydinger observed that the dirt piled at the old truck stop on State Route 36/37 was for the construction at the Point.

Mr. Serio said he had reviewed permits and fees and asked how gazebos and/or pavilions should be permitted and at what fees. The BTZC members discussed this at length. There are no definitions in the Resolution. They considered whether they were permanent or temporary, movable or unmovable, did they have footers or built on the ground. Were they a shed, an accessory, or more like a gate or fence. Was a permit needed? The house in question had two issues, one was an added room to the back of the house. The second was patio/pavilion. The members opined that the addition to the footprint of the home definitely should have been permitted. **I AM NOT SURE WHAT THE FINAL DECISION REGARDING THE GAZEBO, IF THERE WAS ONE. PLEASE ADVISE**

New Business

The members continued their discussion of Airbnbs. Mr. Heydinger state that some townships consider it as a conditional use. They might approve it once or require it be reviewed annually. Mr. Capwell said he struggles with temporary use and said an Air Bnb could range from an RV to tent to a tarp thrown over a pickup (if not defined). Mr. Mr. Vanderhoff pondered if could be considered commercial and at what point a temporary structure becomes permanent. Mr. Serio suggested if it was not movable. Mr. Holewinski that if it were a permanent structure a permit should be required.

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Mr. Heydinger noted potential revenue generation, like a bed tax on hotels, it becomes commercial. He noted a jump in county septic inspections in the last three years.

To begin research on the topic, Ms. Sheets was directed to review any Airbnb language in the other Delaware County townships and report at the October meeting.

Old Business

The members returned to Article 14 in the Resolution review. Ms. Sheets said that in reviewing the various township language, there were half using the NAICS Codes and half using generic language in commercial permitted uses. She had drafted §14.03, Permitted Uses, based on generic language from Orange Township. It had been a while since working on Article 14 and Mr. Vanderhoff wondered if a final decision had been made regarding the use of the NAICS codes. Mr. Holewinski reminded the group on concerns regarding using digits implicating broader uses than intended and the challenge of keeping the codes updated. Mr. Heydinger suggested looking at Genoa Township language. It was decided to start working with the Orange Township language draft and possibly tie in language from Genoa. Ms. Sheets will distribute the Genoa permitted uses language to the members.

Mr. Mr. Vanderhoff provided updates from the subcommittees. For the Noise Subcommittee, he needs to speak with Connie Skinner regarding the Trustees' questions about the subcommittee {and BTZC) recommendation to acknowledge the Trustees have legislated authority to regulate noise but not do anything at this point based on only one complaint, but revisit in future as needed.

The Landscaping Subcommittee did not meet in August. They had previously considered the consultant's proposal as prohibitively priced considering the level of work done for Concord Township not needed. Mr. Heydinger noted that there are so many definitions for "rural feel." Mr. Capwell said "I don't want to see it." Mr. Vanderhoff said, "If I do, it better look nice." Mr. Heydinger said that developments and CADs are causing light bleeding into other properties. He also

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reported that Regional Planning insisted on sidewalks in Beechwood Estates. More landscaping to come.

Adjournment

Mr. Vanderhoff moved to adjourn the meeting and Mr. Capwell seconded.

Motion passed and Mr. Holewinski adjourned the meeting at 8:30 pm.

Vickie Sheets
Brown Township Zoning Secretary

Keith Holewinski
BTZC Chair

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Attendees

Donald Dicke, Vice Chair
Chris Shamro
Chris Thompson
Shane Askins
Linda Sheets, Alternate
Vickie Sheets, Zoning Secretary
Maria Jones, Court Reporter
Gary W. Stegner
Kimberly Stegner, 6684 Howard Road
Jeremy Stegner, 6684 Howard Road
Nancy A. Fleming, 4279 Leonardsburg Road

Call to Order

The meeting was called to order at 7:03 pm by the Vice Chair Donald Dicke.

Pledge of Allegiance

Attendees recited the Pledge of Allegiance.

Attendance

Mr. Dicke requested that Ms. Sheets call the roll of members. There was a quorum with four members and the alternate in attendance.

Previous Minutes

Mr. Shamro moved to accept the May 8, 2024 minutes. Mr. Dicke seconded the motion. Motion passed.

Reorder Agenda

In the absence of the Leonardsburg Road applicant, the BZA began the hearing with the variance application for the Howard Road property.

Court Reporter Maria Clark swore in the attendees who planned to speak.

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Zoning Inspector Report

There was no Zoning Inspector report.

Variance Application for 6684 Howard Road – request for a 70 foot rear setback (rather than the 80 foot setback requirement in Zoning Resolution) to allow a garage addition.

Kimberly Stegner spoke regarding the application. The property owners want to build a garage addition that would result in being 10 feet short of the required 80 foot distance to the rear property line. She stated that the property to the rear is owned by her father-in-law who does not object.

Mr. Shamro noted that the difference is only a few feet and observed that since it is in the rear there is no line-of-sight issue. Any adjustment to the building area would affect the usefulness of the garage.

Mr. Dicke asked if they had explored other options, such as building to the west side rather than the rear. Mr. Stegner responded that there was an addition to the west and they were trying to keep the construction in line.

Mr. Thompson moved that the variance application be approved. Ms. Sheets seconded the motion. Ms. Sheets called the roll for the vote:

Mr. Dicke	yes
Mr. Shamro	yes
Mr. Thompson	yes
Mr. Askins	yes
Ms. L. Sheets	yes

Mr. Dicke said the motion had passed.

Ms. Stegner asked about obtaining the permits needed for the project and was advised to consult the Zoning Inspector.

Variance Application for 4972 Leonardsburg Road – request to erect a fence that does not comply with current zoning criteria.

The property owner was not present to discuss the application. The BZA members had questions about the application.

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Attendees

Donald Dicke, Vice Chair
Chris Shamro
Chris Thompson
Shane Askins
Linda Sheets, Alternate
Steve Serio, Zoning Inspector
Vickie Sheets, Zoning Secretary
Maria Jones, Court Reporter
Michael Thiel
Jackie Thiel
Cody Gray
Connie Skinner
Nancy A. Fleming
Garrett Gandee
Lois Bryant

Call to Order

The meeting was called to order at 7:03 pm by the Vice Chair Donald Dicke.

Pledge of Allegiance

Attendees recited the Pledge of Allegiance.

Attendance

Mr. Dicke requested that Ms. Sheets call the roll of members. There was a quorum with four members and the alternate in attendance.

Previous Minutes

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Mr. Shamro moved to accept the August 14, 2024 minutes. Ms. Sheets seconded the motion. Motion passed.

Reorder Agenda

There were no changes to the agenda.

Court Reporter Maria Clark swore in the attendees who planned to speak.

Zoning Inspector Report

The following variance applications were presented:

Variance Application for 4972 Leonardsburg Road – request to erect a fence that does not comply with current zoning criteria.

This application had been tabled at the August meeting. Tonight, the property owner Mr. Gray stated that he would like to build a six foot fence in the front of his property which is a flag lot and his house is not observable from the road. He has a new neighbor who has turkeys and chickens that stray onto his property. He had discussed his situation with Steve Lisano and understands that the current Zoning Resolution limits front fences to four feet with some transparency, such as a chain link fence. Mr. Gray wants to erect a privacy fence six feet high. He said it would not block the view from the road.

Mr. Dicke asked if that was on the east line. Mr. Gray showed the members on the diagram attached to his application exactly where he planned to place the fence.

Mr. Dicke confirmed the house cannot be seen from the road. He asked if the fence of limited length would keep the poultry off his property. Mr. Gray said he is looking for a nice separation from his neighbor.

Mr. Shamro asked if this doesn't work to eliminate the turkey traffic, would Mr. Gray look for another solution, like an extended fence? If so, Mr. Gray would have to come back to the BZA. Mr. Gray said he has no future plans for more fence.

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Mr. Dicke asked for additional comments, and hearing none, he asked for a motion. Mr. Shamro moved to accept the variance as submitted. Mr. Dicke seconded the motion and asked Ms. Sheets to call the roll for the vote:

Mr. Dicke	yes
Mr. Shamro	yes
Mr. Thompson	yes
Mr. Askins	yes
Ms. L. Sheets	yes

Motion passed and the variance was approved as submitted.

Mr. Serio asked about issuing a permit for the fence and was advised that Mr. Lisano had accepted the permit fee before Mr. Serio started in his position August 1, 2024. Mr. Gray still needs apply to the county.

Variance Application for Parcel #518-130-01-003-000 in Kilbourne Village

Property owner Ms. Thiel said she and her husband were asking for setback relief for this small non-conforming lot in Kilbourne. They purchased the property in May 2024 and would to build a three bedroom, two bath house on the property. Other houses in the village are built just off the right-of-way and this is how they would to like to place the new house. They also are asking for side yard setbacks of 14.5 feet rather than the required twenty feet.

One of the observers started to comment and Mr. Dicke advised her that she was welcome to speak but needed to be sworn in first. Ms. Jones swore her in and Ms. Byrant said she lives nearby and observed that this is a very small lot. Mr. Gandee pointed out that District FR-2 for low density required 29,600 square foot lots, about ½ acre rather than the two acre lots in District Fr-1. In addition, this lot was grandfathered when zoning rules were first applied.

Mr. Dicke asked if there had ever been a house there. Mr. Thiel said no, just open space. He added that soil testing has been completed and that an Aero cell would

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be used for septic (like what has been used in Kilbourne construction. Mr. Thiel is working with Steve Miller on this. Mr. Gandee noted that an Aero cell is basically a big plastic tube filled with peat moss that functions like a leech-field but with a much smaller footprint. Ms. Bryant observed that aerators could be noisy.

The BZA members discussed precedents for issuing setback relief. Mr. Dicke summarized that the request is consistent with the neighborhood and he would rather have someone living there. Mr. Thiel said that originally 0.2 acre lots were platted in Kilbourne.

Mr. Dicke asked Trustee Connie Skinner if she saw potential issues if the right-of-way needed to be widened and she did not expect this. Mr. Dicke observed that the road was not heavily travelled. Ms. Skinner said not at this time.

Mr. Dicke state that the application was thorough and the design of the proposed home attractive. He moved that the variance be approved as submitted. Mr. Shamro seconded the motion. Mr. Dicke asked Ms. Sheets to call the roll for the vote:

Mr. Dicke	yes
Mr. Shamro	yes
Mr. Thompson	yes
Mr. Askins	yes
Ms. L. Sheets	yes

Motion passed and the variance was approved as submitted.

Old Business

Mr. Dicke asked for old business and there was none.

New Business

Mr. Dicke asked for new business and the new Zoning Inspector Mr. Serio was introduced. Mr. Askins asked Mr. Serio about himself. Mr. Serio said he had been a trustee and worked with zoning boards and Regional Planning. He said he was getting familiar with the system in this township.

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Adjournment

Mr. Dicke moved to adjourn the meeting. Mr. Shamro seconded the motion which passed. Mr. Dicke adjourned the meeting at 7:40 pm.

Vickie Sheets
Zoning Secretary

Donald Dicke
BZA Vice Chair