

Minutes of _____

Auburn Township Administration Building

Meeting _____

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

11010 E Washington Street

May 21, 2013

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Held ~~BZA-13-08v~~

APPLICATION:

BZA13-08v, a request for an area variance submitted by Michael and Michelle Henry from **4.03(k) Residential District Schedule Permitted Main Uses, One-Family Dwellings** for a temporary situation to temporarily allow a second one-family dwelling on a property located at 16559 Messenger Road in an R-2 zoning district, Auburn Township, Ohio 44023.

MEMBERS PRESENT: LAURA BELLAR, ROBERT FREEBAIRN, KEVIN GRAHAM, BRIAN STEWART, LEWIS TOMSIC,

MEMBER ABSENT: BROCKMAN

MEMBERS HEARING

THE CASE: Freebairn, Bellar, Graham, Stewart, Tomsic

DOCUMENTS

IN CASE FILE: See Case File

The next item on the agenda was under new business which is:

BZA13-08v, a request for an area variance submitted by Michael and Michelle Henry from **4.03(k) Residential District Schedule Permitted Main Uses, One-Family Dwellings** for a temporary situation to temporarily allow a second one-family dwelling on a property located at 16559 Messenger Road in an R-2 zoning district, Auburn Township, Ohio 44023.

Mr. Stewart read into minutes his opening sentence:

Mr. Stewart explained that the BZA is a quasi-judicial body and as such its role is similar to a judge in a court case. The Ohio Revised Code Section 519.13 requires that any Township that has adopted a zoning resolution, appoint a 5 member Board of Zoning Appeals and 2 alternates. This Board is empowered to hear and decide appeals and to authorize variances from the terms of the zoning resolution where the variance will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the resolution will result in an unnecessary hardship. The BZA is also permitted to authorize variances where the spirit and intent of zoning is upheld and substantial justice will be done. The Board is also empowered to set conditions on conditional uses.

With this being stated the Boards proceedings are relatively informal; but, in order to conduct an orderly meeting and allow all parties of interest mainly contiguous property owners, or their legal representatives, the opportunity to present the evidence certain procedures need to be followed:

All interested parties will be sworn in. The applicant will be asked to present evidence to support the requested appeal, the Board will ask question, and then all interested parties (contiguous property owners) may present evidence concerning the appeal and ask questions regarding previously presented evidence.

In order to prepare appropriate meeting minutes, each person who speaks will need to state for the record his/her name and address.

The meeting may be continued by either the applicant or the Board. The Board must base their decisions upon facts and not on expressions of concerns or non-factual matters. The action of the BZA does not become final until 30 days after the date of the meeting that the minutes were approved.

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~~BZA-13-08v~~

With that being said Mr. Stewart asked Mike Henry to present his case. Mr. Henry indicated that he and his wife Michelle have lived in Auburn since 2001. They own a 13.42 acre parcel and a 1.5 acre parcel next door. His children are now 12 and 15 and there is just one bathroom in the current house. He indicated that it is less expensive to live in a partially demolished existing house while a new house is being built. Then he and his family will move into the new house and finish demolishing the old house.

Mr. Henry went into some detail regarding the building process and what they would try to use from the old house and move in the new house. He explained that the garage from the old house would be torn down immediately when the project starts.

Mr. Henry indicated that the time frame he is looking for is 6 months for completion of the project. He also mentioned that they have horses and a barn on the property and will be able to stay and take care of them. He also testified that this would be financially helpful for them to be able to do this.

There were no further questions.

Motion by Lewis Tomsic to grant BZA13-08v, a request for an area variance submitted by Michael and Michelle Henry from 4.03(k) Residential District Schedule Permitted Main Uses, One-Family Dwellings for a temporary situation to temporarily allow a second one-family dwelling on a property located at 16559 Messenger Road in an R-2 zoning district, Auburn Township, Ohio 44023. The motion was seconded by Kevin Graham. Vote: Beller, yes; Freebairn, yes; Graham, yes; Stewart, yes; Tomsic, yes. Motion granted.

The appeal period was explained to the applicant. The minutes from this meeting will be approved on June 11, 2013.

The next meeting will be June 11, 2013.

Motion by Brian Stewart to adjourn the meeting. The motion was seconded by Laura Bellar . All members were in favor. The meeting adjourned.

Minutes submitted by

Minutes Approved on:



Jane G. Hardy, BZA Secretary

June 11, 2013

Brian Stewart, Chairman