

11010 E Washington Street

August 13, 2013

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*Held* **BZA-13-09c**

**APPLICATION:**

**BZA-13-09c, a conditional use request submitted by 312 Land Development Company, LLC for a Landscape Excavation Company to be located at 11554 Washington Street, Auburn Ohio 44023, in a B-1A 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

Roll call was taken, the Pledge of Allegiance was recited, the opening statement was read by Chairman Lew Tomsic and all parties to the case were sworn in.

There was no old business. New business was: **BZA-13-09c, a conditional use request submitted by 312 Land Development Company, LLC for a Landscape Excavation Company to be located at 11554 Washington Street, Auburn Ohio 44023, in a B-1A zoning district, Auburn Township, Ohio 44023.**

Tom Agresta from 312 Land Development Company was asked to present the request for the conditional use. Mr. Agresta introduced himself. He indicated that he lives at 11895 LaDue Trail, in Auburn Township. Curt Hoffman was introduced by Mr. Agresta. Mr. Hoffman lives at 11936 LaDue Trail.

He indicated that 312 Land Development has a pending sales contract on John/Mary Wheeler's property located at 11554 Washington Street. Mr. Agresta indicated that Mr. Wheeler ran a very successful landscaping/excavating company from that location. Mr. Agresta further explained that the property is well maintained and he is proposing to continue to do the same. He also indicated that he wants to add some additional landscape screening near the main entrance. He was thinking he would keep the oaks and maples and add some pears and flowering crabs that will serve as some extra buffering by the road. He further explained there will be no equipment booms raised over night and that the equipment storage will be in the rear and he will maintain the landscaping that will block the view of the equipment. The current building and storage bins will be used. Employee parking will be utilized in the same way.

Mr. Agresta indicated that will continue to store fuel for the vehicles; but that he plans to meet with Fire Chief John Phillips to have this approved.

They plan on utilizing the current sign and they will obtain a zoning certificate for this. Mr. Agresta indicated that he wanted to do something business wise in the community he lives in and also indicated that Mr. Wheeler wants to move on to his next venture.

Mr. Tomsic asked if the open field will remain. Mr. Agresta indicated he currently has no plans for enlarging the business on the property.

Mr. Stewart asked if the property would be consolidated into one property and Mr. Agresta indicated they did not have plans at this time to consolidate. A discussion took place regarding the salt shed.

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Mr. Agresta also indicated that the building is alarmed and well lite and as far as he is aware it is up to standard. Mr. Agresta also indicated that their company currently has ten pieces of equipment that should be out on location for their business.

John Wheeler indicated that the building was built in 1988.

Contiguous property owner Ken Gibb indicated that he has no problem with the operation.

A discussion took place regarding the catch basin and sediment basin that is on the property.

Fire Chief John Phillips indicated that Mr. Wheeler kept everything up to code and has done an excellent job in community. Chief Phillips indicated that he has spoken to Mr. Agresta and he plans on continuing to work with the Fire Department with the life safety codes. Chief Phillips also indicated that there will be a Knox Box installed at the location. He indicated that the fuel storage tank is triple-walled and it is self-contained in case there is a spill. Mr. Agresta indicated that Landmark will maintain the fuel storage tank. There is also an emergency shut off in place, for the tank, and there is cement pylons around the tank for added protection

Edie Marie Fiala, 11545 Lancaster, indicated that at her front ditch culvert she had some unusual runoff that she was questioning. A discussion took place. Chief Phillips and Zoning Inspector Kitko indicated that they would meet with the Fiala's regarding this and both felt that the runoff was not coming from the Wheeler property.

Mr. Kitko explained what a conditional use certificate is and how it is not transferred from an existing owner to new owner.

A discussion took place regarding the lighting on the property and building. Mr. Kitko indicated that the lighting would need to be addressed in the Fall and might need to be changed to comply with current zoning. This will be important once the leaves fall from the trees.

**Motion by Brian Stewart to grant BZA-13-09c, a conditional use request submitted by 312 Land Development Company, LLC for a Landscape Excavation Company to be located at 11554 Washington Street, Auburn Ohio 44023, in a B-1A zoning district, Auburn Township, Ohio 44023, with the following conditions:**

1. Use to continue as a business office/garage/landscaping/small excavating business.
2. Manufacturing prohibited (4A.04)
3. Signage to be approved by the Zoning Inspector with a permit to be issued
4. Vehicles/Equipment to be parked inside or screened from view. Screening to be approved—mounding and trees.
5. The business will adhere to 3.06 Maintenance Standards which includes flammable materials that must be approved by the Township Fire Department and the Ohio Fire Marshall.
6. Fuel pump must be approved by the ATVFD and be located no closer than 25' to a property line.
7. Any additional development on the property must be approved by the Zoning Inspector and comply with 3.1 Development Standards.
8. Lighting will be on a timer or will be full cut off lighting and approved by the Zoning Inspector.
9. Back property line screening will be addressed in the fall after the trees lose their leaves.

**RECORD OF PROCEEDINGS**  
TOWNSHIP BOARD OF ZONING APPEALS—REGULAR

Minutes of \_\_\_\_\_

Auburn Township Administration Building

Meeting \_\_\_\_\_

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

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**10. In the event the second lot is sold, the salt bin accessory structure will need to comply with zoning.**

**11. The conditions will be reviewed after 12 months of operation.**

The motion was seconded by Kevin Graham.

Vote: Beller, yes; Freebairn, yes; Graham, yes; Stewart, yes; Tomsic, yes.  
Motion passed.

The next meeting will be September 10, 2013 to approve minutes

**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

September 10, 2013

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Lewis Tomsic, Chairman