

Minutes of _____

Auburn Township Administration Building

Meeting _____

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

11010 E Washington Street

March 12, 2013

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Held ~~BZA-13-03v~~

APPLICATION:

BZA13-03v, a request for a use variance submitted by Thomas B Herbruck for Tom's Foolery, LLC for a proposed use of warehousing/storage of distilled spirits/liquor at 9929 Washington Street Unit B3 PPN 01-118922.

MEMBERS PRESENT: LAURA BELLAR, SCOTT BROCKMAN, KEVIN GRAHAM, BRIAN STEWART, LEWIS TOMSIC

MEMBER ABSENT: ROBERT FREEBAIRN

Mr. Stewart called the meeting to order. The Pledge of Allegiance was recited and everyone planning on testifying was sworn in.

Mr. Stewart gave a brief overview of the functions of the Board of Zoning Appeals as follows:

The BZA is a quasi-judicial body and as such its role is similar to a judge in a court case. The Board will hear evidence and testimony that is factual and will make decisions based upon the facts which are presented, the rules as set forth in the resolution and principles of law.

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.

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.

It is the applicant's burden to produce evidence to support the application. The Board will not make the applicant's case for him or her

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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<i>Held</i>	11010 E Washington Street	March 12, 2013	2
	BZA-13-03v		

New Business: This agenda item was withdrawn on April 4, 2013. Meeting minutes are not to be transcribed per opinion from the Prosecutor's Office.

Motion by Brian Stewart to approve the minutes from the January 19, 2013, meeting. The motion was seconded by Kevin Graham. Vote: Bellar, yes; Brockman, yes; Graham, yes; Stewart, yes; Tomsic, yes. The motion was passed.

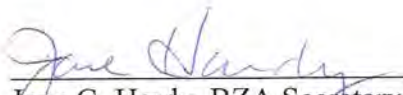
Next meeting will be April 9, 2013.

Motion and second to adjourn. All members voted yes. Motion passed

The meeting was adjourned

Minutes submitted by

Minutes Approved on:



Jane G. Hardy, BZA Secretary

May 14, 2013

Brian Stewart, Chairman