

11010 E Washington Street

April 9, 2013

I

~~Held BZA-13-04v~~

**APPLICATION:**

**BZA13-04v**, a request for an area variance submitted by Sal Russo, Agent for F.T. Associates from Schedule 4A.07 Building Setback Requirement—Side Yard 10' required, 5' proposed for a proposed new lot line located at 11776 Washington St (PPN 01-117683) in a B-2 zoning district, Auburn Township, Ohio 44023.

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

**MEMBER ABSENT:** SCOTT BROCKMAN, LEWIS TOMSIC

**MEMBERS HEARING**

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

**DOCUMENTS**

**IN CASE FILE:** See Case File

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.

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

Auburn Township Administration Building

Meeting \_\_\_\_\_

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

11010 E Washington Street

April 9, 2013

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*Held* ~~BZA-13-04v~~

**Under old business:** It was noted that BZA-13-03v was withdrawn based on a letter submitted by the applicant. Motion by Robert Freebairn to accept the request to withdraw BZA-13-03v, seconded by Laura Beller. Vote: Bellar, Yes; Freebairn, yes; Graham, yes; Stewart, yes. Motion passed. BZA-13-03v has been withdrawn.

Under new business:

**BZA13-04v, a request for an area variance submitted by Sal Russo, Agent for F.T. Associates from Schedule 4A.07 Building Setback Requirement—Side Yard 10’ required, 5’ proposed for a proposed new lot line located at 11776 Washington St (PPN 01-117683) in a B-2 zoning district, Auburn Township, Ohio 44023.**

Sal Russo introduced himself as the representative for FT & Associates. He also introduced Murray Fox as one of the properties’ partners. Mr. Russo explained that the partners in FT Associates are getting older and are selling some of the properties that they own. He indicated that they may have a potential buyer for the 2.2297 acre parcel that is the old Carriage House that houses the Wellness Center and has office space on the second floor. He indicated that he is trying to “clean up” the lot line to the east of the pizza shop. Currently the lot line is goes through the pizza shop. He indicated that he is trying to make a non-conforming lot more conforming. He further testified that if the lot line is moved over any more some needed parking will be eliminated.

Mr. Kitko indicated that these lots are grandfathered. Mr. Stewart commented about the well on the property. It was noted that both parcels will need their own individual well.

Contiguous property owners, Dennis and Heather Lupca, who live at 11785 Washington Street, (the south side of the property) indicated that they have some concerns and questions. Mr. Lupca indicated that he had concerns if the pizza shop expands with a dining room or if they would allow outdoor seating. It was explained that the pizza shop was close to its lot coverage. A discussion took place.


**Motion by Brian Stewart to grant BZA13-04v, a request for an area variance submitted by Sal Russo, Agent for F.T. Associates from Schedule 4A.07 Building Setback Requirement—Side Yard 10’ required, 5’ proposed for a proposed new lot line located at 11776 Washington St (PPN 01-117683) in a B-2 zoning district, Auburn Township, Ohio 44023. The motion was seconded by Robert Freebairn. Vote: Bellar: yes; Freebairn, yes; Graham, yes; Stewart, yes. The motion was passed.**

Mr. Stewart explained the 30-day appeal process to the applicant. The meeting minutes for this hearing will be approved on May 7, 2013.

The meeting proceeded to the next item on the agenda. BZA-13-05v.

Minutes submitted by \_\_\_\_\_

Minutes Approved on: \_\_\_\_\_

  
\_\_\_\_\_  
Jane G. Hardy, BZA Secretary

May 7, 2013

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Brian Stewart, Chairman