

RECORD OF PROCEEDINGS TOWNSHIP BOARD OF ZONING APPEALS—REGULAR

Minutes of

Meeting

Adam Hall

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

11455 Washington Street

April 13, 2021

Held

BZA-2021-02v

20

MEMBERS PRESENT: ROBERT FORD, DOUG HOGAN, DAVID PARKER, BRIAN STEWART, LEWIS TOMSIC, MICHAEL VARLEY, ERIC FORD

MEMBER ABSENT: NONE

MEMBERS HEARING

THE CASE: Hogan, Parker, Stewart, Tomsic, R. Ford

DOCUMENTS

IN CASE FILE: See Case File, the case file is included as part of the official record..
Including the Auburn Township Zoning Resolution

BZA-2021-02v, an appeal requesting a variance, submitted by James J. Caronite, from the Auburn Township Zoning Resolution, Article 5.02(a) Accessory Buildings: No accessory building shall be located in a front yard for a proposed accessory building located at 18005 Auburn Road, Auburn Township OH 44023 in an R-2 zoning district.

The meeting was called to order by Chairman Doug Hogan at 7:00 PM.

Roll call was taken. All members were present.

The Pledge of Allegiance was recited.

Mr. Hogan swore everyone in who was planning on testifying.

Mr. Hogan also noted that the official record of the proceedings are the minutes recorded by the BZA Secretary and that the case file is part of the official record.

Mr. Hogan read the opening statement 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, which Auburn Township has, appointed 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 strict 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 or practical difficulties. 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 Board's 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 must 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.

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It is the applicant's burden to produce evidence to support the application. The Board will not make the applicant's case for them. In order to prepare appropriate meeting minutes, each person who speaks will need to state, for the record, his/her full 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.

Chairman Hogan asked Mr. Caronite to present his case.

Mr. Caronite introduced himself to the Board. Mr. Caronite indicated that he lived at 18005 Auburn Road and was proposing to build an accessory structure that was 10' to 15' in front of the front corner of the house. He also commented that he was still 50' from the south side property and at least 165' from the Auburn Road. He further explained that the front of his house is actually angled toward the north property line, that faces the pond and does not directly face Auburn Road.

Mr. Caronite further indicated that there is no other area on his property to locate the proposed building. He explained that the back yard is where his septic system is located. He also commented that where he is proposing to locate the accessory building is the highest elevation on his lot.

He further elaborated that his property has water on two sides of the house and because of where his septic and duplication field are located, there is nowhere else to build the structure.

He also commented that in the summer months, when the trees have their leaves, the accessory building will not even be visible from the street, because of the heavily wooded area on the front of the property toward Auburn Road.

He further explained that the structure will be located by the corner of the driveway, near the dwelling, so that it appears to be an extension of the dwelling.

Mr. Caronite indicated that he purchased the house fourteen (14) years ago. He also indicated that he has a lot of personal property to store in the proposed accessory building, including motorcycles, log splitters, tractors, and side-by-sides to name a few. He also noted that his wife may also get a chicken, if the chicken is not too dirty; and if the chicken is dirty, they will not be getting them.

Mr. Caronite further testified that he has spoken to his neighbors and his neighbors have signed a letter, stating that they are not opposed to his project. Mr. Caronite gave the Board a copy of the letter signed by his neighbors.

He commented that his proposed structure will be beautiful. He explained that it will match the house both in colors and with the exterior. He further elaborated on the construction of the building. He indicated that there will be steel trusses, 2 x 6's on the edge, bolted together with "U" clips over two feet (2') hybrid steel and wood, and it will then switch to 2' x 8's with a steel roof. He also commented that there will be one garage door and one man door.

Mr. Caronite was asked if he had any intention of turning this structure into a commercial building. Mr. Caronite indicated that he would not be using it commercially. He indicated that he will be parking his business truck and trailer inside the building. He commented that the truck and trailer, for the 14 years that he lived there, has always been parked outside.

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Mr. Hogan asked Mr. Kitko if he had any issues with the proposed request. Zoning Inspector, Frank Kitko indicated that he did not.

Mr. Hogan asked Fire Chief John Phillips if he had any issues with the project. Chief Phillips indicated that he did not.

Mr. Caronite also indicated that he has approached Geauga Soil and Water and received preliminary approval for the structure.

There were no further questions.

Motion by Doug Hogan to grant BZA-2021-02v, an appeal requesting a variance, submitted by James J. Caronite, from the Auburn Township Zoning Resolution, Article 5.02(a) Accessory Buildings: No accessory building shall be located in a front yard for a proposed accessory building located at 18005 Auburn Road, Auburn Township OH 44023 in an R-2 zoning district. The motion was seconded by Lewis Tomsic. Vote: Tomsic, yes; Parker, yes; Stewart, yes; R. Ford, yes and Hogan, yes. The motion passed.

The appeal process for BZA-2021-02v was explained to James Caronite. It was explained that the decision from this hearing can be appealed by any party of interest, within thirty (30) days from the date that the minutes were approved. It was further noted that the minutes for the hearing will be approved on May 11, 2021.

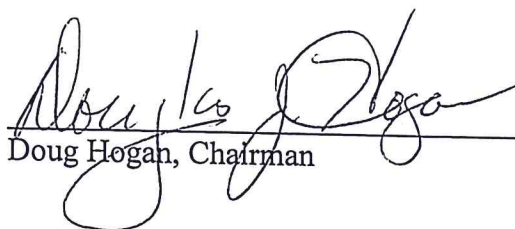
The meeting moved to the next item on the agenda.

Minutes submitted by:

Minutes Approved on:


Jane Hardy, BZA Secretary

May 11, 2021


Doug Hogan, Chairman