

**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

May 11, 2021

Held

**BZA-2021-05v**

20

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

**MEMBER ABSENT:** ROBERT FORD

**MEMBERS HEARING**

**THE CASE:** Hogan, Parker, Stewart, Tomsic, E. Ford, Varley

**DOCUMENTS**

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

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

Roll call was taken. Mr. Robert Ford was absent at the beginning of the meeting.

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 questions, 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 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.



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Mr. Hogan commented that the Board of Appeals would only be taking testimony from contiguous property owners at the hearings this evening.

Chairman Hogan moved to Old Business on the agenda.

There were a couple of items under Old Business.

The first was BZA-2021-03c--a request for a conditional use certificate submitted by Miller & Sons Enterprises, LLC, for an auto repair garage located at 10986 Washington Street, Auburn Township, OH 44023, in a B-1 zoning district.

It was noted that BZA-2021-03c was being officially withdrawn, by the applicant, as a Conditional Use request.

The next item under Old Business on the agenda was:

BZA-2021-05v--a request for a variance, submitted by Miller & Sons Enterprises, LLC, from the Auburn Township Zoning Resolution, Schedule 4A.09(d): Parking Setbacks, Side--15' required, 3' proposed for parking located at 10986 Washington Street, Auburn Township, OH 44023, in a B-1 zoning district.

This request was being reconvened from the April 13, 2021, BZA meeting. It was explained that this case was tabled last month and the BZA was requesting more information regarding storm water management.

Mrs. Miller commented that she had Hess and Associates, a civil engineer, provide a drainage plan to Geauga Soil and Water for their review and that the proposed plan will be sufficient for that Department. It was noted that any commercial property that was disturbing under one (1) acre did not require a retention pond. She further explained that this proposed plan could handle a twenty-five (25) year storm.

Clark Miller commented that they were planning to initially use asphalt grindings and build a concrete curb on the west side of their property to help protect the neighbor's property from water drainage.

Mr. Miller explained that the existing back parking lot is currently paved and that eventually they would be asphalt topping the new parking lot, but for the time being they were proposing to use asphalt grindings.

Clark Miller further explained that their property is 1.5' higher in elevation than the neighbor's property; by curbing the west property line, the water will be diverted to the back of the lot and the stormwater will be sheeting across the back of the lot.

Mr. Miller also indicated that there is a small detention pond between their property and the neighbor's to the east that will help with storm water management.

Frank Kitko, Auburn Township Zoning Inspector, indicated that the water runs to the north naturally. A discussion took place.

Mike Jacobs, the contiguous property owner to the west, indicated that as long as the storm water does not affect his septic, that he does not have an issue with the parking lot being located three feet (3') off his property line.

Mr. Stewart asked if the Millers were planning on still installing the west privacy fence. The Millers indicated that they were.



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Frank Kitko noted that the 16' minimum driveway width was corrected on the revised site plan for the parking. It was also noted that there is a 20' long grass area by the driveway entrance.

A discussion took place regarding lighting. It was noted that there would be some lighting on the back of the building, but that the parking area would not be lit.

Mr. Hogan asked if the lighting would be full cut-off lightening that would be shielded downward. Mr. Kitko indicated that type of lighting is a requirement.

It was also noted that, at this point in time, no information or comments regarding the proposed stormwater management plan was received from Carmella Shale from Geauga Soil and Water.

Mr. Miller commented that the parking islands would be mulched. Michelle Miller commented that there would be directional signage and that the traffic flow would enter on the east side of the property and exit on the west side or the property.

It was pointed out that the plan created by Hess and Associates showed the incorrect address and permanent parcel number on the cover page. It was noted that this error will need to be corrected. Mr. Parker also commented that there are three different addresses on the other pages that should also be corrected.

Fire Chief John Phillips indicated that he did not have a problem with the plan. Frank Kitko also indicated that he did not have an issue with the proposal.

Mr. Kitko did suggest that it should be asphalted within a year. Mr. Miller indicated that it would be completed when the budget allowed for it to be asphalted and that Eclipse, down the road, does not have a paved parking area. It was noted that the Miller's budget was for asphalt grindings, and it would not be gravel. Mr. Stewart asked if the grindings would be below the finish level or up to grade. Mr. Miller indicated that they would be doing a base but it would not be top finished.

Mr. Kitko indicated that Eclipse's business was a different type of business and it was not a "walk in" type of business. There were no further questions or comments.

It was noted that Carmella Shale, from Geauga Soil and Water, had not yet officially commented on the storm water management plan; but both of the Millers agreed that they would incorporate any suggestions that she may offer in their plan.

**Motion by Doug Hogan to grant BZA-2021-05v,--a request for a variance, submitted by Miller & Sons Enterprises, LLC, from the Auburn Township Zoning Resolution, Schedule 4A.09(d): Parking Setbacks, Side—fifteen (15') required, three (3') proposed for parking located at 10986 Washington Street, Auburn Township, OH 44023, in a B-1 zoning district. The motion was seconded by Brian Stewart. Vote: Stewart, yes; Varley, yes; E. Ford, yes; Parker, yes; and Hogan, yes. The motion was granted.**

The appeal process for BZA-2021-05v was explained to the Millers. 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 and findings of fact are approved. It was further noted that the minutes for the hearing will be approved on June 8, 2021, at the BZA meeting.

Clark Miller had questions regarding permitted uses in the B-1 zoning district and how his portion of the building should be classified.

A brief discussion took place.

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The meeting moved to the next item on the agenda which was BZA-2021-09c, for Crash Champions. Unfortunately Crash Champions was not present, but was expect shortly.

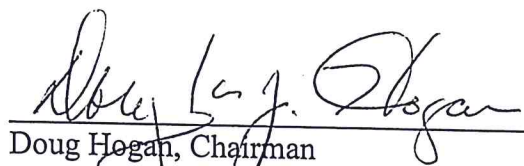
The meeting then moved to the next item on the agenda, BZA-2021-10v.

Minutes submitted by:

Minutes Approved on:

  
Jane Hardy, BZA Secretary

June 8, 2021

  
Doug Hogan, Chairman