

RECORD OF PROCEEDINGS
TOWNSHIP BOARD OF ZONING APPEALS—REGULAR

Minutes of

Meeting

Adam Hall

GOVERNMENT FORMS & SUPPLIES 644-224-3338 FORM NO. 10148

11455 Washington Street

June 8, 2021

Held

BZA-2021-13v

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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-2021-13v--a request for a variance, submitted by Rebecca Pantuso for Matt and Jacalyn Cingcade, from the Auburn Township Zoning Resolution, Article 4.03(h) Maximum Building Heights:..., and no accessory building shall exceed a height of twenty-three (23') feet, for a proposed accessory building that is 27'9" in height, located at 18970 Eastwood Drive, Auburn Township, Ohio 44023 in an R-2 zoning district.

Chairman Doug Hogan continued the meeting to the next item on the agenda which was **BZA-2021-13v**.

Mr. Hogan verified that the appellants and their representative were sworn in.

Architect, Rebecca Pantuso introduced herself and Matt and Jacalyn Cingcade, the property owners, to the Board of Appeals members. Ms. Pantuso explained that the homeowners want to build an accessory building to enclose and protect their RV and boat, which currently is stored outside and so it is not visible from the house. She also explained that the proposed building would have a similar look and details as the current dwelling.

Ms. Pantuso explained that for the Cingcade's to be able to complete this project, they would need a height variance. She further commented that in addition to housing the RV and boat, the homeowner was proposing to put in a loft area, to create a space for Mr. Cingcade's office.

Ms. Pantuso commented that she wondered why there was a 23' height restriction in Auburn Township's Zoning Resolution. She also commented that if the structure was measure from the side yard it would be 23' high. She did testify that she understood that Auburn Township measures building height from the front elevation of the structure and not from the side elevation.

Ms. Pantuso presented a display board with pictures showing several accessory buildings in the Township that appeared to be over the 23' height restriction. It was noted that it also appeared that most of these structures were actual barns and were agriculturally exempt.

Ms. Pantuso further commented that she felt the proposed structure would enhance the property and the neighborhood and it would offer a reasonable return on the property owners' investment.

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Ms. Pantuso further explained that Mr. Cingcade is currently working from home and it was his intention to be putting an office in the upstairs space of the proposed garage building. She also explained that the accessory building needed the additional height for head room because Mr. Cingcade is a tall man.

Ms. Pantuso indicated that she felt that the spirit and intent of zoning would allow for this because this is what the Cingcades wanted to do.

Ms. Pantuso did indicate that the proposed building could be redrawn to conform to the zoning resolution but she felt that the spirit and intent of zoning would be to allow for this variance because that is what her client wanted to do.

She further explained that it would be a beautiful asset to the neighborhood.

She also commented that the office would be built in the lofted area. She did testify that the building will be heated and there will be water in the structure. She testified that there would not be a restroom nor would there be actual living space. She said that there would be a wet bar outside under the covered patio.

It was noted that the proposal really is an accessory building with living space.

She replied that there is zero intent of converting this structure to living space, that the proposed building is being built as a garage with a loft area for an office.

Mr. Hogan commented that this proposal could be sincere, but he elaborated that it could easily be converted into a residence and adding the plumbing would be easy to do. The 23' height restrictions is to try to discourage an additional dwelling on the property.

It was also explained that the variance stays with the property forever.

Ms. Pantuso inquired how the loft area could potentially be made into a living area. She did not quite understand how it could made into a livable space.

A discussion took place.

Mr. Hogan commented that is a concern that we have for the future and that we are setting a bad precedent.

Fire Chief John Phillips indicated that he was ok with the proposed height. of the building.

Mr. Kitko, Auburn Township Zoning Inspector, indicated that down the road this could potentially be turned into living space or a second dwelling, but historically he has to take the applicant for at their word.

He also noted that the structures that were featured in her presentation were mostly agricultural buildings.

Ms. Pantuso indicated that what her client was proposing could be done with a building that is 23' in height. She again noted that even though water would be run to the building, there would not be a septic hookup in the building.

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A discussion took place.

In conclusion, it was also explained that the additional height was needed because they were proposing the storage of their RV. The RV pushed the height requirement up on the lower level and the office is needed for the husband to have a dedicated space away from his three (3) small children.

Motion by Brian Stewart to grant BZA-2021-13v--a request for a variance, submitted by Rebecca Pantuso for Matt and Jacalyn Cingcade, from the Auburn Township Zoning Resolution, Article 4.03(h) Maximum Building Heights:..., and no accessory building shall exceed a height of twenty-three (23') feet, for a proposed accessory building that is 27'9" in height, located at 18970 Eastwood Drive, Auburn Township, Ohio 44023 in an R-2 zoning district. The motion was seconded by Robert Ford. Vote: Stewart, yes; Tomsic, no; R. Ford, yes; Parker, yes; and Hogan, no.

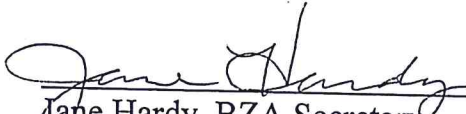
The motion was granted.

Mr. Kitko asked that the appeal period be re-explained to the applicant. Mr. Hogan indicated that there is a 30-day appeal period from the date that the minutes are signed. The minutes for this hearing will be signed on July 6, 2021.

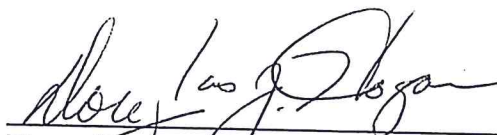
The meeting continued to the next item on the agenda, BZA-2021-14v.

Minutes submitted by:

Minutes Approved on:


Jane Hardy, BZA Secretary

July 6, 2021


Doug Hogan, Chairman