

RECORD OF PROCEEDINGS
TOWNSHIP BOARD OF ZONING APPEALS—REGULAR

Minutes of

Meeting

Administration Building

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

11010 Washington Street

July 13, 2021

Held _____ **BZA-2021-15v & BZA-2021-16v** _____ 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, 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

BZA-2021-15v-- an appeal requesting a variance, submitted by Paul & Kara Phillips, 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 new accessory building located at 10601 Stafford Road, Auburn Township OH 44023 in an R-1 zoning district.

BZA-2021-16v-- an appeal requesting a variance, submitted by Paul & Kara Phillips, 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 new accessory building that is 28' in height, located at 10601 Stafford Road, Auburn Township OH 44023 in an R-1 zoning district.

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

The Pledge of Allegiance was recited.

Roll call was taken. All members were present.

Mr. Hogan swore everyone in who was planning on testifying at the hearing.

Mr. Hogan noted that the official record of the tonight's 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, appoint a five-member Board of Zoning Appeals and 2 alternate members. 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:

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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 or 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 commented that there was no old business on the agenda. He then moved on to new business.

The following items were on the agenda under new business:

BZA-2021-15v-- an appeal requesting a variance, submitted by Paul & Kara Phillips, 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 new accessory building located at 10601 Stafford Road, Auburn Township OH 44023 in an R-1 zoning district.

BZA-2021-16v-- an appeal requesting a variance, submitted by Paul & Kara Phillips, 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 new accessory building that is 28' in height, located at 10601 Stafford Road, Auburn Township OH 44023 in an R-1 zoning district.

The applicant was asked to present their cases.

Sue Szala introduced herself to the Board of Appeals. She explained that she was an architect with RSA architects. She explained that there is currently an accessory building located in the front yard of the Phillips' property. The Phillips are proposing to remove the current structure and build a larger accessory building on an expanded footprint of the old structure.

She further explained that the new building will encroach more into the front yard than the previous building; but the proposed building will still be 163' from the street. She further commented that the Phillips cannot put the building back any farther on the property because of there is an in-ground swimming pool located on the property, to the west.

Mr. Hogan asked Frank Kitko, Auburn Township's Zoning Inspector, if Mr. Kitko had a problem with the location of the new building. Mr. Kitko indicated the current building has been there since before he was involved in zoning and because of the in-ground swimming pool the Phillips would have to move the larger proposed building forward. Mr. Kitko also commented that the new structure would still be far off the road.

Mr. Hogan asked if they would be storing any commercial vehicles in the proposed structures. Paul Phillips indicated that it would be used only for private vehicles. He explained that they have four (4) children and two (2) of the children are driving now and with that, the driveway always seems to be jammed up. Mr. Phillips felt with having the additional garage space this would help the problem.

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Fire Chief John Phillips testified that he did not have any problems with the proposed new structure.

Sue Szala, the architect, continued indicating that the proposed building is going to be 28' high. She explained that there is a lower ceiling and the additional height was to help match what the current house looks like.

Mr. Stewart asked what was the proposed roof slope and what was the second story going to be used for?

Ms. Szala indicated that the upstairs would be a storage attic. There will be plumbing to the building, but with no sewage hook up, and also electric to the structure. She indicated that they had to have lights in the building, according to the building code.

Mr. Stewart asked if there would be heat to the building. Mr. Phillips indicated that there would be either forced air or radiant heat in the structure, on the ground level only.

Mr. Parker asked if they would be cutting down trees. Mr. Phillips explained that they are trying not to remove trees, but there is a big pine tree, that may have to come down. Mr. Phillips indicated that he is hoping to contact a landscaper to donate the tree for the landscaper's Christmas tree give-away program.

Mr. Phillips also indicated that the structure will be hidden and if they had to take out other trees they were planning to plant more trees between the new building and the street and in addition to putting in new landscaping.

Both Frank Kitko and John Phillips did not have an issue with the proposed height of structure.

Mr. Hogan confirmed that they were not proposing any additional living space or an in-law suite in the proposed structure. Mr. Phillips testified that they just needed more storage. He also explained that he needed a higher ceiling inside the building because he was planning to install a crank elevator.

Mr. Hogan commented that the Phillips had a nice lot.

There were no other comments or questions from the Board members.

Motion by Doug Hogan to grant BZA-2021-15v-- an appeal requesting a variance, submitted by Paul & Kara Phillips, 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 new accessory building located at 10601 Stafford Road, Auburn Township OH 44023 in an R-1 zoning district.

The motion was seconded by Lewis Tomsic. Vote: Tomsic, yes; Ford, yes; Parker, yes; Stewart, yes; and Hogan, yes. The motion passed.

Motion by Doug Hogan to grant BZA-2021-16v-- an appeal requesting a variance, submitted by Paul & Kara Phillips, 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 new accessory building that is 28' in height, located at 10601 Stafford Road, Auburn Township OH 44023 in an R-1 zoning district. The motion was seconded by Lewis Tomsic. Vote: Tomsic, yes; Ford, yes; Parker, yes; Stewart, yes; and Hogan, yes. The motion passed.

