

RECORD OF PROCEEDINGS

Minutes of **AUBURN TOWNSHIP BOARD OF ZONING APPEALS—REGULAR** Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 1074

~~Auburn Township Administration Building~~

Held 11010 Washington Street February 8, 2022
BZA-2022-01v 20

MEMBERS PRESENT: ROBERT FORD, DOUG HOGAN, DAVID PARKER, BRIAN STEWART, MICHAEL VARLEY, BEN TIMMONS

MEMBER ABSENT: LEWIS TOMSIC

MEMBERS HEARING

THE CASE: Hogan, Parker, Stewart, Varley, Timmons

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-2022-01v, an appeal requesting a variance, submitted by Bob Ford Construction, Inc. for Sean & Mary Whiteford, 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 to be located at 18758 Shaw 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 led by Dr. Varley.

Roll call was taken.

Members present were Doug Hogan, David Parker, Brian Stewart, Michael Varley and Ben Timmons.

Member absent was Lewis Tomsic.

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

Mr. Hogan noted that the official record for tonight's hearing are the minutes recorded by the Board of Zoning Appeals 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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BZA-2022-01v

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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.

It was noted that Mr. Tomsic did not attend the meeting because he would be recusing himself from hearing the Whiteford case. Mr. Ford officially recused himself.

The following case was on the agenda under New Business:

BZA-2022-01v, an appeal requesting a variance, submitted by Bob Ford Construction, Inc. for Sean & Mary Whiteford, 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 to be located at 18758 Shaw Road, Auburn Township OH 44023 in an R-1 zoning district.

The applicant was asked to present their case.

Robert Ford from Bob Ford Construction indicated that he would be presenting the request for Sean and Mary Whiteford, the property owners.

Mr. Ford explained that the Whitefords were planning on building a storage building on their property. He further commented that the structure will be used strictly for storage.

Mr. Ford explained that the Whitefords are proposing this location on their property because basically there is no other location on the property where the structure could be built. Mr. Ford elaborated that on the Whiteford's property there are wetlands, a lake and bad soil; he further commented that the structure cannot be located to the south end of the property, because of a drainage ditch and a swale, it cannot go to the rear of the dwelling because there are wetlands. Mr. Ford further explained that the location of the septic field, eliminates that area of the lot. Mr. Ford also commented that there is a large curtain drain and sump pump on the property. Mr. Ford also noted that the water well is located at the end of the driveway by the house.

Mr. Ford noted that this is an older dwelling that Judge Henry built and that the blue prints for the house were from a Home and Garden magazine. Mr. Ford again commented that the Whitefords are planning on using the proposed structure only for storage; and the structure meets the height restriction of 23 feet; it will be pole structure. He also indicated that other properties on Shaw Road have accessory structures located in their front yard.

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It was noted that two contiguous property owners, North and South of the Whiteford property, do not have an issue with where the building is proposed to be located. The contiguous property owner, located to the south, sent a letter. Mary Whiteford commented that Dennis Bergansky, the contiguous property owner to the North, told her that he also does not have an issue with the project. Jane Hardy, Assistant Zoning Inspector, also confirmed that Mr. Bergansky contacted the zoning office and indicated that, in his opinion, there is probably no other place on the Whiteford's lot to locate the building, other than the location that is proposed.

Mr. Ford also indicated that the structure would be located a far distance from the road, and it would not be very visible from the road; and it would be blended into the whole look of the house. He explained that the proposed structure cannot be attached to the house because of the location of the septic and well. Mr. Ford also explained that it would be a pigeon-hole look and that the architecture does not allow it to be attached to the house. He indicated that the proposed structure is 6' from the driveway turnaround.

Frank Kitko, Auburn Township Zoning Inspector, indicated that he did not have an issue with the proposal and based on what was presented, the property owners' location availability is very limited.

David Parker indicated that he felt there was no other place to locate the proposed structure other than what is being proposed.

Brian Stewart noted that the structure is located far from the road and would not be very visible, because of the distance from the road to the structure.

There were no other questions or comments.

Motion by Michael Varley to grant BZA-2022-01v, an appeal requesting a variance, submitted by Bob Ford Construction, Inc. for Sean & Mary Whiteford, 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 to be located at 18758 Shaw Road, Auburn Township OH 44023 in an R-1 zoning district. The motion was seconded by Doug Hogan. Vote: Stewart, yes; Parker, yes; Varley, yes; Timmons, yes; and Hogan, yes. The motion was passed.

The 30-day appeal period was again explained to the applicants. It was noted that the appeal period was thirty days from the date that the meeting minutes would be approved. It was also explained that the meeting minutes for tonight's hearings would be approved at the February 22, 2022, special meeting.

Mrs. Whiteford left the meeting.

The meeting moved on to the next item on the agenda.

Motion by Brian Stewart to approve the meeting minutes from the January 25, 2022, BZA meeting for the Duprees, BZA-2021-17v and BZA-2021-18v. The motion was seconded by Doug Hogan. Vote: Ford, yes; Varley, yes; Parker, yes; Stewart, yes; and Hogan, yes. The motion passed.

Motion by Doug Hogan to approve the Findings of Fact from the January 25, 2022, meeting for BZA-2021-17v. The motion was seconded by Brian Stewart. Vote: Ford, yes; Varley, yes; Parker, yes; Stewart, yes; and Hogan, yes. The motion passed.

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Motion by Doug Hogan to approve the Findings of Fact from the January 25, 2022, meeting for BZA-2021-18v. The motion was seconded by Michael Varley. Vote: Ford, yes; Varley, yes; Parker, yes; Stewart, yes; and Hogan, yes. The motion passed.

The members signed the Findings of Facts for BZA-2021-17v and BZA-2021-18v.

The next meeting will be a special meeting on February 22, 2022.

Packets for the upcoming hearing were distributed to the Board members.

Motion by Ben Timmons to adjourn the meeting. The motion was seconded by Michael Varley. Vote: Timmons, yes; Varley, yes; Parker, yes; Stewart, yes; and Hogan, yes. The motion passed.

The meeting was adjourned.

Minutes submitted by

Minutes Approved on:


Jane Hardy, BZA Secretary

February 22, 2022

Doug Hogan, Chairman