RECORD OF PROCEEDINGS

Minutes of AUBURN TOWNSHIP BOARD OF ZONING APPEALS—REGULAR Meeting

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

Auburn Township Administration Building
11010 Washington Street

Held August 16, 2022 1 20

~~BZA-2022-09v~~

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

MEMBER ABSENT: DAVID PARKER, LEWIS TOMSIC

MEMBERS HEARING THE CASE: Hogan, Timmons, Stewart, Ford, Varley

CASE FILE: The case file is included as part of the official record, and includes the Auburn Township Zoning Resolution

BZA-2022-09v--an appeal requesting a variance, submitted by Joshua Myers from the Auburn Township Zoning Resolution, Schedule 4.03(k); Residential District Schedule, Minimum Yard Depth, Side, 30' required, 23' proposed, for a deck addition located at 11590 Ascot Lane, Auburn Township OH 44023 in the R-2 zoning district.

The meeting proceeded to the next item on the agenda which was, **BZA-2022-09v** an appeal requesting a variance, submitted by Joshua Myers from the Auburn Township Zoning Resolution, Schedule 4.03(k); Residential District Schedule, Minimum Yard Depth, Side, 30' required, 23' proposed, for a deck addition located at 11590 Ascot Lane, Auburn Township OH 44023 in the R-2 zoning district.

Mr. Hogan verified that everyone was previously sworn in.

Again, as previously stated, Mr. Hogan reiterated that the official record for this hearing (BZA-2022-09v) are the minutes recorded by the Board of Zoning Appeals Secretary and that the case file and the Auburn Township Zoning Resolution are part of the official record.

The applicant was asked to present his case.

Mr. Myers introduced himself to the Board and explained the project. He indicated that they would like to construct a deck on the side of their house. He explained that based on the measurements he needs a variance. He indicated that this is his wife's project and that she wanted more natural light in their second floor bedroom. He indicated that there is a patio currently in the rear of the dwelling. He was hoping to put a French door on the side of the house to access the deck and have a five foot (5') table and chairs and so they are able to walk around the furniture on the deck. This plan dictated the proposed size of the deck.

He also indicated that 15' is farthest that he can go for support from the roof structure. He indicated that there will be a four foot (4') aluminum black railing around the deck and the railing will coordinate with the black shutters on the front of the house.

Mr. Myers commented that his driveway currently encroaches one (1) foot onto his neighbor's property. A discussion took place.

Mr. Myers also commented that even if he does not get the variance he will still build a deck that will not encroach on the side setback.

Chad Williams, 11600 Ascot, introduced himself to the board. Mr. Hogan swore Mr. Williams in. Mr. Williams indicated that the proposed deck does face his property but he was concerned that the variance might set a precedent with other projects in his development and that it might cause a problem for their HOA. Mr. Williams also indicated that their current HOA has nothing written that specifically pertains to decks. Mr. Williams also commented that there is a wooded area between his dwelling and Mr. Myers' dwelling.

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Kelly Morgan, 11580 Ascot Lane, also expressed concerns regarding the protected wetlands on the properties and would this project set a precedent for other projects in their development.

Mr. Stewart explained that the deck encroachment would not disturb any more of the footprint of the property than what the driveway has already disturbed.

It was also explained that even though a deck is proposed, if the variance is granted that the variance stays with the property forever, so eventually a dwelling addition could extend to the new side setback.

Steven Wilks, 11530 Colchester, indicated that his property abuts Mr. Myers property to the rear property lines. Mr. Wilks commented that Mr. Myers' project would have no significant impact on Mr. Wilk's property; but the reason he was in attendance was that he wanted to again verify that there is no legal precedence being set by granting the variance.

Mr. Myers commented that he was not aware that when a variance is granted that it stayed with the property forever. He explained that he thought that the variance would only be in effect for the current deck project. He indicated that he himself would not be in favor of an actual addition encroaching into the required side setback.

Mr. Stewart summarized the extent of the patio project being a 16' x 30' deck, a stamped concrete patio and the second level deck.

Fire Chief John Phillips indicated that he did not have any issues with the project.

Mr. Hogan asked Mr. Myers if he would like to recess the hearing for any reason. Mr. Myers indicated that the Board could take a vote now.

Motion by Doug Hogan to grant BZA-2022-09v--an appeal requesting a variance, submitted by Joshua Myers from the Auburn Township Zoning Resolution, Schedule 4.03(k); Residential District Schedule, Minimum Yard Depth, Side, 30' required, 23' proposed, for a deck addition located at 11590 Ascot Lane, Auburn Township OH 44023 in the R-2 zoning district.

The motion was seconded by Michael Varley. Vote: Hogan, no; Timmons, yes; Stewart, no; Varley, no; Ford, no. The motion was denied.

The appeal period was again explained to the appellant. The decision can be appealed within thirty days from when the minutes for tonight's hearing are approved. The minutes will be approved on September 13, 2022.

The meeting proceeded to the next item on the agenda.

Motion by Brian Stewart to approve the meeting minutes July 12, 2022 for BZA-2022-06v (Dodge). The motion was seconded by Michael Varley. Vote: Hogan, yes; Timmons, yes; Stewart, yes; Varley, yes; and Ford, yes. The motion was passed.

Motion by Brian Stewart to approve the meeting minutes July 26, 2022 for BZA-2022-06v (Dodge). The motion was seconded by Robert Ford. Vote: Hogan, yes; Timmons, yes; Stewart, yes; Varley, yes; and Ford, yes. The motion was passed.

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Motion by Brian Stewart to approve the Findings of Fact for BZA-2022-06v (Dodge). The motion was seconded by Robert Ford. Vote: Hogan, yes; Timmons, yes; Stewart, yes; Varley, yes; and Ford, yes. The motion was passed.

There was no further comments or questions.

The next meeting September 13, 2022. At this point, there is not a case to be heard.

Motion by Doug Hogan to adjourn the meeting. The motion was seconded by Michael Varley. Vote: Hogan, yes; Tomsic, yes; Stewart, yes; Varley, yes, and Ford, yes. The motion was approved.

The meeting was adjourned.

Minutes submitted by

Jane Hardy

Jane Hardy, BZA Secretary

Minutes Approved on:

September 13, 2022

Doug Hogan, Chairman