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 September 13, 2022 1

~~BZA-2022-10v~~ 20

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 also includes the Auburn Township Zoning Resolution

BZA-2022-10v--an appeal requesting a variance, submitted by Beverly/Dale Naticchia from the Auburn Township Zoning Resolution, Article 5.02(a) Accessory Buildings:..Accessory Buildings may be located in side or rear yards at least 15' from any lot line or other building on the same lot…for a proposed accessory building with a ten feet (10') setback, located at 17685 Creekside Drive, Auburn Township, Ohio 44023, in an R-1 zoning district.

The meeting was called to order by Chairman Doug Hogan.

The Pledge of Allegiance was recited.

Mr. Hogan swore everyone in who was planning on testifying.

Chairman 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:

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.

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Mr. Hogan confirmed that the official record for this hearing (BZA-2022-10v) will be the minutes recorded by the Board of Zoning Appeals Secretary; in addition, the case file and the Auburn Township Zoning Resolution are part of the official record.

Mr. Hogan proceeded to **BZA-2022-10v**--an appeal requesting a variance, submitted by Beverly/Dale Naticchia from the Auburn Township Zoning Resolution, Article 5.02(a) Accessory Buildings:..Accessory Buildings may be located in side or rear yards at least 15' from any lot line or other building on the same lot…for a proposed accessory building with a ten feet (10') setback, located at 17685 Creekside Drive, Auburn Township, Ohio 44023, in an R-1 zoning district.

The applicant was asked to present his case.

Dale Naticchia introduced himself to the Board and explained that he is the property owner and with his application and submittal for this variance request, he included a packet of information that he thinks would be all the information that the Board of Appeals would need to review the request. He indicated that he is proposing to build an accessory building that would be located ten feet (10') off the south property line of his lot. He further explained that he is located at the corner lot of Creekside Drive and Bainbridge Road and that the side of the proposed accessory building will be facing Creekside Drive and the back of the structure will face Bainbridge Road.

He also indicated that there is a dense tree line and a deep drainage ditch on that southern property line which runs along Bainbridge Road. Mr. Naticchia commented that the tree line will offer a nice buffer for the project from Bainbridge Road. He also explained that when they were carefully picking this proposed accessory building location, it was of the utmost importance for them to protect the septic area on the property and they feel this location will do just that.

He also indicated that Creekside Drive is a quiet street and his family has lived there for forty (40) years from when they built their house. He commented that the proposed building will be aesthetically pleasing and the building will also serve as a sound buffer for his dwelling, from the traffic, especially the truck traffic and the "jake" brakes from the trucks coming down the hill on Bainbridge Road.

Mr. Naticchia also explained that the proposed structure will be 20' x 20' and 15' in height and will be used to store his accumulation of tools; a log splitter, mulchers, mowers, and possibly a small boat and possibly his grandson's rabbits in the future. He further explained that the structure will be located on a concrete pad.

The fifteen (15') height of the structure was confirmed by his contractor, Bill Wood, who was in attendance. Mr. Wood also indicated that he personally measured the property and the setbacks on the property. Mr. Wood indicated that his measures were only a foot off; but the Zoning Department still required a survey. A board member indicated that the Board preferred accurate measurements, rather than approximate measurements when considering a variance request.

Mr. Hogan asked if there were any questions from the Board.

Mr. Hogan commented that he stopped by the Naticchia property today and commented that the location of the proposed building is staked out nicely so he was able to get a good visual of the proposed project's location. He also noted that Creekside Drive is a very quiet street.

Mr. Stewart asked if the gable on the proposed structure will extend toward the house. Mr. Naticchia indicated that it would and the structure would be sided similar to the current dwelling. A discussion took place.

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Mr. Hogan asked if there were any contiguous property owners present, who would like to testify. A neighbor, Suzanne Morgan, 9745 Bainbridge Road, introduced herself to the Board members. She indicated that her problem with this project is that when they build the building, all the trees will die, and she does not want to look at the structure, especially seeing the back of the accessory building.

She also indicated that their dogs bark forever. Mrs. Morgan again commented on the trees dying from the building location and the construction. She also explained that she lives across Bainbridge Road from this property and east of Paul Harris's farm property. Mrs. Morgan indicated that in the winter the structure will be visible from her property and she does not want to look at the back of a building.

A discussion took place between Suzanne Morgan and the Mr. Naticchia. Mr. Hogan redirected the meeting and stated that all comments from the attendees need to be made directly to the Board and not among audience members.

Mr. Naticchia further explained that there will be no driveway extensions to the new garage but their plans include extending the patio to the front of the new building. Mr. Naticchia also indicated that if the trees were to die, he would be more than happy to replace them with other foliage or trees. Mr. Naticchia also commented that they would be building the structure with or without the variance, so Mrs. Morgan would be looking at the building regardless; but the five foot (5') variance would allow them to extend the patio. A comment was made that the Morgan property was not contiguous to the project.

A discussion took place.

It was confirmed by the Secretary that the Morgan property was in fact contiguous to the Naticchia property. It was also noted that the Morgan dwelling was located a substantial distance south of Bainbridge Road. A map to that effect was shown to the Board members.

Dr. Varley commented, based on the site plan, there should be room to move the structure 15' from the lot line. The Naticchia's indicted that they wanted the room for the patio and to be able to access the back yard of their property.

Fire Chief John Phillips commented that he did not have an issue with the variance.

There were no further comments.

Motion by Doug Hogan to grant BZA-2022-10v, an appeal requesting a variance, submitted by Beverly/Dale Naticchia from the Auburn Township Zoning Resolution, Article 5.02(a) Accessory Buildings:..Accessory Buildings may be located in side or rear yards at least 15' from any lot line or other building on the same lot…for a proposed accessory building with a ten feet (10') setback, located at 17685 Creekside Drive, Auburn Township, Ohio 44023, in an R-1 zoning district.

The motion was seconded by Robert Ford. Vote: Hogan, yes; Timmons, yes; Stewart, yes; Varley, no; and Ford, yes. The motion was granted.

Mr. Hogan explained the appeal period to the appellant. He again commented that the decision for tonight's case can be appealed within thirty days from the date that tonight's meeting minutes are approved. It was noted that the meeting minutes will be approved on October 11, 2022.

The applicant thanked the board and left the meeting.

The meeting proceeded to the next item on the agenda.

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Motion by Brian Stewart to approve the meeting minutes for August 16, 2022, for BZA-2022-07c (Crash Champions). The motion was seconded by Ben Timmons. Vote: Hogan, yes; Timmons, yes; Stewart, yes; Varley, yes; and Ford, yes. The motion was passed.

Motion by Doug Hogan to approve the meeting minutes for August 16, 2022, for BZA-2022-08v (Bajzer). 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 Michael Varley to approve the Findings of Facts for BZA-2022-08v (Bajzer). The motion was seconded by Ben Timmons. 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 from August 16, 2022, for BZA-2022-09v (Myer). 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 Findings of Fact for BZA-2022-09v (Myer). The motion was seconded by Ben Timmons. 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 October 11, 2022. At this point in time, 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

Minutes Approved on:

October 11, 2022

Jane Hardy, BZA Secretary

Doug Hogan, Chairman