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 BZA-2023-01c June 13, 2023 1 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, also includes the Auburn Township Zoning Resolution

BZA-2023-01c—a request for a conditional use certificate submitted by **Gary B. Kaufman Trustee** for a private cemetery located at **11051 Taylor May Road,** Auburn Township, OH 44023 in an R-2 zoning district.

The meeting was called to order by Chairman Doug Hogan at 7:00 PM. Roll call was taken with the following members present: Mr. Ford, Mr. Hogan, Mr. Stewart, Dr. Varley, and Mr. Timmons. Mr. Parker and Mr. Tomsic were absent.

Fire Chief, John Phillips, Frank Kitko, Auburn Township Zoning Inspector and Jane Hardy were also present for the Township.

The Pledge of Allegiance was led by Chairman Doug Hogan.

Mr. Hogan swore everyone in who was planning on testifying in either of the two cases to be heard.

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.

Mr. Hogan also commented that the official record for the cases this evening will be the minutes recorded by the Board of Zoning Appeals Secretary. Mr. Hogan also noted for the record that as part of the official record, is the case file and the Auburn Township Zoning Resolution.

Mr. Hogan proceeded with the agenda item under New Business which was:

BZA-2023-01c—a request for a conditional use certificate submitted by Gary B. Kaufman Trustee for a private cemetery located at 11051 Taylor May Road, Auburn Township, OH 44023 in an R-2 zoning district.

Mr. Hogan explained that Mr. Kaufman's request is for a private cemetery to be located on his personal property. He commented that it is a conditional use and the Board of Zoning Appeals is here tonight to set conditions for this use.

Mr. Kaufman was asked to present his request. Gary Kaufman introduced himself to the Board. Mr. Kaufman commented that his request is simple; he explained that he would like to be buried on his own property, when he dies.

Mr. Kaufman proceeded to explain that he has spoken to his funeral director already and the funeral director will be handling all his final arrangements.

He further explained that his cemetery plot will have a cement vault and his body will be in a casket that is placed into the vault.

Mr. Kaufman was asked about who will be carrying out his final wishes. Mr. Kaufman further commented that everything for his burial will be in his will and his final wishes will be carried out by the funeral home.

Mr. Kaufman further explained that he will be buried by how deep he is required to be buried, etc. as established by the State of Ohio and County requirements at the time of his death.

He again commented that he has pre-done everything at the funeral home, with the funeral director, and that he has mapped everything out.

A discussion took place regarding conditional uses.

Mr. Kaufman commented that everything is described in his will regarding the vault and casket. He further commented that he is going to have the best funeral; that the funeral will be at his house and the actual burial will be handled by the funeral home after the funeral at his house.

Mr. Kaufman also stated that he is planning on getting the required county permit for this type of burial; but he had been informed that he has to get the Township's approval first.

Mr. Kaufman further commented that he has had this property for forty-two years and he does not want to leave it.

A discussion took place regarding putting some type of notification about the gravesite on the deed for his property. It was further explained that this will help preserve the integrity of the gravesite for future times.

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A discussion took place regarding the type of head stone that will be place on the site. Mr. Kaufman again commented that he will have a headstone and that he will be buried at the 6' state minimum and be in a vault.

A discussion took place regarding cremation. Mr. Kaufman again commented that it will be a formal funeral and he will be buried at the required six foot (6') state minimum depth and be in a vault.

It was noted that Mr. Kaufman's property meets the Township's requirements for a private cemetery.

Fire Chief John Phillips testified that he did not have any issue with Mr. Kaufman's request.

Zoning Inspector Frank Kitko testified that he did not have any issue with Mr. Kaufman's request and reaffirmed that this conditional use request is permitted.

Motion by Robert Ford to grant BZA-2023-01c—a request for a conditional use certificate submitted by Gary B. Kaufman Trustee for a private cemetery located at 11051 Taylor May Road, Auburn Township, OH 44023 in an R-2 zoning district with the following conditions:

1. **The proposed family cemetery use meets the current Schedule 4.03(k): Residential District Schedule requirements which includes the following for cemeteries; Minimum Lot Area (Acres)-5.00; Minimum Lot Width (feet)-300; Minimum Yard Depth (Feet)-Front, Side, Rear-all 100; Maximun Lot Coverage-5%**
2. **Comply with all other laws and regulations relative to family cemeteries and burials of this type in effect at time of death**
3. **An affidavit of fact describing the grave location be filed at the Geauga County Recorder's Office**
4. **Comply with the specific conditional use requirements in Article 5.03(a) which includes: Location and Access; Development Standards which requires a maximum 6' high fence; Maintenance Standards (Article 3.02) (Article 5.03 (a)(3) and which requires obtaining any certifications by applicable agencies on the legal nature of the cemetery**

The motion was seconded by Michael Varley. Vote: Stewart, yes; Ford, yes; Varley, yes, Timmons, yes; and Hogan, yes. The motion was approved.

Mr. Kaufman was pleased with the outcome and thanked the Board.

The meeting moved on to the next agenda item.

Minutes submitted by

Jane Hardy, BZA Secretary

Minutes Approved on:

July 11, 2023

Doug Hogan, Chairman