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 July 11, 2023 20

~~BZA-2023-02v~~

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

MEMBER ABSENT: DAVID PARKER, LEWIS TOMSIC, ROBERT FORD

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

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

BZA-2023-02v— an appeal requesting a variance, submitted by Anthony Marra III 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 25' in height, located at 18855 Auburn 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. Roll call was taken with the following members present: Mr. Hogan, Mr. Stewart, Dr. Varley, and Mr. Timmons. Mr. Parker, Mr. Ford and Mr. Tomsic were absent.

Fire Chief, John Phillips, Frank Kitko, Auburn Township Zoning Inspector and Jane Hardy, Assistant Zoning Inspector/BZA Secretary were also present.

The Pledge of Allegiance was led by Chairman Doug Hogan.

Mr. Hogan swore everyone in who was planning on testifying in any of the four (4) cases.

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 all the cases will be the minutes recorded by the Board of Zoning Appeals Secretary. Also for the record, Mr. Hogan noted, that part of the official record, is the case file for BZA-2023-02v and the Auburn Township Zoning Resolution.

Chairman Hogan proceeded with the first agenda item under New Business which was:

BZA-2023-02v— an appeal requesting a variance, submitted by Anthony Marra III 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 25' in height, located at 18855 Auburn Road, Auburn Township OH 44023 in an R-1 zoning district.

Mr. Anthony Marra was asked to present his case.

Mr. Marra introduced himself to the Board of Appeal members.

Mr. Marra proceeded to explain his request.

He explained that he had purchased a twenty-five foot (25') tall building that was not assembled. Mr. Marra did explain that he did not realize there was a height limit on an accessory building and the building is 2' higher than what is permitted.

Mr. Marra explained that because of the elevations on the property and that the property slopes toward the back of the property that the proposed building will be 20' lower than the main house and it will not be visible from the street. He indicated also that the house will still be 15' taller than the proposed building.

Mr. Marra further explained that if he were buying the building new he would have purchased it at 23'.

Because the proposed building is located far back on the property, Brian Stewart asked Fire Chief John Phillips if he had any problems with access to the structure from a safety standpoint. Fire Chief Phillips indicated that he did not.

Dr. Varley asked if any neighbors expressed any objections to the proposed stucture.

Mr. Marra indicated that the neighbor to the east and south of his property let him use his driveway to unload the building and did not mention any concerns.

A discussion took place regarding leasing the neighbor's driveway to access the building and if the proposed lease does not go through then he will construct a drive to the north of his property and go behind the house to the proposed building.

Jeff Pulsford, 11250 Stafford Road, asked how large the steel building will be. Mr. Marra indicated that it was thirty (30') x fifty (50').

Zoning Inspector Frank Kitko indicated that he did not have a problem with the proposed project. Mr. Kitko also noted that Mr. Marra's property is directly north of an Industrial Zoning District in the Township where accessory structures can be 35' in height.

There was no further comments or questions.

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

Zoning Inspector Frank Kitko testified that he did not have an issue with Mr. Marra's request.

There was no further comments or questions.

Chairman Hogan explained that there were four (4) members of the BZA present tonight and a tie vote would be a "no" vote. With that being stated, Mr. Hogan called for a motion.

Mr. Hogan asked for a motion.

Motion by Brian Stewart to grant BZA-2023-02v -- an appeal requesting a variance, submitted by Anthony Marra III 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 25' in height, located at 18855 Auburn Road, Auburn Township OH 44023 in an R-1 zoning district.

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

Mr. Hogan explained that the BZA's decision for this case will not be final until 30-days from when the meeting minutes are approved and that the minutes will be approved on August 8, 2023.

Anthony Marra thanked the Board.

The meeting moved on to the next agenda item.

Minutes submitted by

Jane Hardy

Jane Hardy, BZA Secretary

Minutes Approved on:

August 8, 2023

Doug Hogan, Chairman