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 February 13, 2024 1

Held BZA-2024-01v 20

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

MEMBERS ABSENT: DAVID PARKER

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

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

BZA-2024-01v—an appeal requesting a variance, submitted by Jeffrey & Sharyl Bailey from the Auburn Township Zoning Resolution, Article 4.03(a) (b) Districts and Main Uses, Accessory Uses, 4.03(k) Residential District Schedule, Only the permitted main & accessory uses defined…and specified on the Schedule…shall be permitted… for an event center located at 10638 Taylor May Road, Auburn Township, Ohio 44023 in an R-2 zoning district, which is not a permitted use in an R-2 zoning district.

The meeting continued to the next item of business on the agenda which was **BZA-2024-01v**.

Chairman Robert Ford verified that everyone in the audience who was planning on testifying was sworn in and had also signed in.

Board members hearing the case were Lewis Tomsic, Michael Varley, Robert Ford, Doug Hogan, and Brian Stewart.

Fire Chief, John Phillips; Frank Kitko, Auburn Township Zoning Inspector and Jane Hardy, in her capacity as BZA Secretary, were also present for the Township.

The applicants were asked to present their case.

Shari Bailey introduced herself and her husband Jeff Bailey to the Board. She also introduced the rest of her party—her mother, mother-in-law, two daughters, Ashley and Sami, and her son-in-law, Brandon.

Mrs. Bailey indicated that the family has lived in Auburn since 2012 and purchased this property in 2012.

She gave a brief history of the property which included the barn and the dwelling both of which were built in 1842.

She indicated that, after purchasing the property, the family renovated the house and the barn and they also developed the property into a hops farm. She further explained that is why there are so many telephone poles on the property, that ¼ acre with the poles is where the hops are grown. She also commented that they sell their hops to four (4) local breweries.

She indicated that they are members of the Friends of Ohio Barn Association and Ohio Hop Growers Guild. She explained that they bought the property because it was amazingly beautiful and historical. She indicated that they had Ashley's graduation party on the property and Ashley and Brandon were married on the property.

Mrs. Bailey also indicated that they spent a lot of time restoring the barn by fixing the floors and sanding and staining them as well. She explained that they have also replaced wood in the barn. A discussion took place regarding the hex design in the barn.

Mrs. Bailey commented that they have also personally hosted an open house for the Chagrin Herb Society which help promote agritourism.

She stated that they have had family weddings, reunions and retirement parties on the farm and she feels that the hops business is bringing people to the farm. She again commented that these events were held at the barn because their farm is so beautiful.

She further explained that they continue to get a lot of calls for booking for private events like class reunions, weddings, retirement and graduation parties. She feels the renters want to use the facility to host their own private events.

She further explained that the family lives there on the property, the private events have to end by 11:00 PM and she feels that her neighbors are not located close to them. She noted that the private events are only held from May to October; there is no cooking allowed on site and they have to bring their own port-a-potties.

She also explained that they do not supply any alcohol and that they carry liability insurance. She further commented that they will always be present during private events and that they personally care about their neighbors and their property.

In addition, she commented that the barn is their labor of love, a lot of labor went into preparing it and that they are planning on installing another set of egress stairs from the barn for safety reasons. She claimed that they are also installing an additional door on the barn for easier access and egress.

Mr. Ford complimented the Bailey's on the restoration, but the restoration is not the purpose of the meeting and that is what needs to be addressed.

Brian Stewart explained that granting the variance stays with the property forever and once the variance is granted the Township has no control. He also commented that the Board does not have the ability to put conditions on the variance and ten (10) years from now, a new owner could have different intentions for the event center then the Baileys have. Mr. Stewart further explained that this is a residential zoning district and their use of the barn as a party center is not permitted. Mr. Stewart asked about the sale of alcohol on the property. It was indicated that the Bailey's personally do not sell or serve any alcohol on the property.

Frank Kitko, Auburn Township Zoning Inspector, was asked for his comments.

Mr. Kitko reiterated what had previously been stated that a variance stays with the property forever. Mr. Kitko indicated that his concern is that this use is not permitted in a residential zoning district and it is a commercial use, so that is the dilemma that the Township faces. Mr. Kitko indicated that he does not believe the private events are agritourism just because they take place on an agricultural property. He felt that no part of the farm activity or the hops growing will be used at these private events. Mr. Kitko commented that he does not see any connect between a wedding reception and the farm activity. He feels the guests are attending the event for the event and not for anything related to growing hops.

Mr. Kitko again testified that this property is located in a residential district in Auburn Township and the Township's residential districts are established to provide for residential neighborhoods of a rural character with maximum density and a party center is not permitted in residential zoning.

Mr. Kitko clarified that the few events that the Bailey's themselves have had on their property that involved the education of the hops and specifically promoting their hops are permitted as agritourism.

Mr. Kitko testified that since the Bailey's have expanded the use of the barn and continue to expand to allow rentals of private parties; he does not feel that the private events can be considered agritourism because they are not promoting the farm.

Mr. Kitko commented further that just because a private party or wedding is held on a farm, that event is not automatically agritourism since it is not related to agriculture and in this case, there is no clear connection between the hops on the farm and the event.

He further commented that, in his opinion, a guest going to a wedding or a retirement party are going for that celebration, they are not attending the event because it is held on a hops farm and again the hops business is not part of the celebration in any way.

Mr. Kitko also noted that the events on the farm have increased and keep increasing. Mr. Kitko again commented that this is in a R-2 residential zoning district and he feels there are definitely health and safety issues now that the barn is being used as a commercial use. He noted that there is no occupancy permit and there have not been inspections from the Building Department.

Fire Chief John Phillips indicated that the Fire Department's concern is life safety and the work the Bailey's did at the Barn was done well but the Fire Department has no jurisdiction in a residential district.

Mr. Hogan reiterated that a residential zoning district does not allow an event/party center because it is a commercial use.

Patty Carlton, a contiguous property owner to the Bailey's property, but does not live on the property, testified that she does not feel a party center should be allowed in a residential zoning district because it is a commercial use, and it was established for residences. She also expressed concern over potential event noise.

Mr. Button indicated that he lives four houses down from the Baileys and does not feel their proposed use is a problem, there is no noise and the parking is in the rear of the property and the use is "not a big deal".

George Fritz lives next to Patty's Cartlon's property and indicated that the dog makes more noise; that they had a good time at the wedding that was held there and he has no complaints of their use.

Deb Stanley who lives on Thorpe Road discussed the issues when another party center that is located in Auburn moved and there were new owners and the problems that arose from it. A discussion took place regarding bullet holes in her and her neighbor's house.

The Bailey's indicated that their intention is for the party center to always stay in the family. The Board explained that this is a "what if situation" and that nothing is guaranteed.

The son-in-law, Brandon Bliss, testified in rebuttal to a statement that the Board should not consider testimony from a contiguous property owner, who has actually not lived on the property for thirty years. He also commented that if there was ever a noise problem, that the sheriff could be called to handle it.

There was no further comments or questions.

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Held Auburn Township Administration Building 11010 Washington Street February 13, 2024 4 20

~~BZA-2024-01v~~

Motion by Brian Stewart to grant BZA-2024-01v—an appeal requesting a variance, submitted by Jeffrey & Sharyl Bailey from the Auburn Township Zoning Resolution, Article 4.03(a) (b) Districts and Main Uses, Accessory Uses, 4.03(k) Residential District Schedule, Only the permitted main & accessory uses defined…and specified on the Schedule…shall be permitted… for an event center located at 10638 Taylor May Road, Auburn Township, Ohio 44023 in an R-2 zoning district, which is not a permitted use in an R-2 zoning district.

The motion was seconded by Lewis Tomsic.

Vote: Varley, no; Tomsic, no; Stewart, no; Hogan, no; and Ford, no. The motion was denied.

Mr. Ford again explained to the applicants that the decision from tonight's meeting will not be effective for thirty (30) days from the date that the minutes are approved and signed. Mr. Ford indicated that the minutes from tonight's hearing will be signed at the BZA meeting on March 12, 2024.

Motion by Brian Stewart to approve the meeting minutes from January 9, 2024, for BZA-2023-10v for James Zydek. The motion was seconded by Lewis Tomsic. Vote: Varley, yes; Tomsic, yes; Stewart, yes; Timmons, yes, and Ford, yes. The motion was approved.

Motion by Brian Stewart to approve the findings of fact from January 9, 2024, for BZA-2023-10v for James Zydek. The motion was seconded by Lewis Tomsic. Vote: Varley, yes; Tomsic, yes; Stewart, yes; Timmons, yes and Ford, yes. The motion was approved.

Mr. Ford noted that the next meeting will be February 27, 2024, for a special hearing. Packets for that hearing will be available soon. There will also be a regular meeting on March 12, 2024. It was noted that there will be two more cases.

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

The meeting was adjourned.

Minutes submitted by

Jane Hardy, Secretary
Auburn Township Board of Zoning Appeals

Minutes Approved on:

March 12, 2024

Robert Ford, Chairman
Auburn Township Board of Zoning Appeals