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 February 27, 2024 1
BZA-2024-02v 20

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

MEMBER ABSENT: DAVID PARKER, BEN TIMMONS

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

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

BZA-2024-02v--an appeal requesting a variance, submitted by Paul Colletti/Lance Hoffman from the Auburn Township Zoning Resolution, Article 5.02(a)(2)(a) Accessory Buildings: No accessory building shall be located in a front yard for a proposed new accessory building located at 16985 Ravenna Road, Auburn Township OH 44023 in an R-2 zoning district.

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

Frank Kitko, Auburn Township Zoning Inspector and Jane Hardy, BZA Secretary were also present.

The Pledge of Allegiance was led by Chairman Robert Ford.

Mr. Ford verified that everyone who was present had signed in. Mr. Ford swore everyone in who was planning on testifying.

Chairman Ford 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. Ford also commented that the official record will be the minutes recorded by the Board of Zoning Appeals Secretary. Also, Mr. Ford noted, that part of the official record, is the case file for BZA-2024-02v and the Auburn Township Zoning Resolution.

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

BZA-2024-02v--an appeal requesting a variance, submitted by Paul Colletti/Lance Hoffman from the Auburn Township Zoning Resolution, Article 5.02(a)(2)(a) Accessory Buildings: No accessory building shall be located in a front yard for a proposed new accessory building located at 16985 Ravenna Road, Auburn Township OH 44023 in an R-2 zoning district.

Mr. Colletti introduced himself to the Board and thanked the Board members for scheduling the special meeting to hear the variance request.

Lance Hoffman, the contractor for Mr. Colletti's proposed project, introduced himself to the Board and indicated that the project was on Richmond Road.

Mr. Hogan corrected Mr. Hoffman. Mr. Hoffman indicated the proposed project was located at 16985 Ravenna Road.

Mr. Hoffman indicated that the shape of the property only allows for the house to be located where it is proposed to be located toward the rear of the lot. He explained that the property "flairs" in the back, allowing more lot width and the house will be located there.

He also indicated that there is a wetland further back (east) on the property, which limits locating the house back there. He further explained that they plan on leaving trees on the property for screening purposes. He explained that the pole barn will be 300' from the road and in front of the house.

Mr. Hoffman also indicated that the septic has been approved and indicated that the trees will be left to hide the pole building. Mr. Colletti commented that the chosen colors for the new accessory building will be grey and dark grey to match the house.

Mr. Colletti explained what the use of the building will be. He said that it will be used for storage for vehicles and other equipment. He commented that there will be no plumbing inside and it will be heated with radiant heat. He further explained that he has a mower and loader that will be in the garage. He also commented that he owns three (3) buildings in Tremont, Ohio. He further explained that the proposed house is 2,500 square feet.

Mr. Stewart commented that he did visit the lot but did not go past the gate. He commented that you cannot really see where the house will sit down the driveway.

A discussion took place regarding the driveway.

It was noted that the gate is about 80' off the road, 200'past the gate will be the accessory building and the house will be located back from that.

A discussion took place regarding the storage container that is currently on the property. It was noted that the storage container was located on the property before the Collettis purchased the property. He had heard that the storage container was used for horses.

Fire Chief John Phillips was not in attendance at the meeting. Inspector Frank Kitko noted that Chief Phillips wanted the driveway to be at least 15' wide so safety vehicles can get in there.

It was also noted that the driveway to the pole building can be used as a pull off.

Frank Kitko, Auburn Township Zoning Inspector, indicated that he did not have an issue with the request. He said there are already a couple locations on Ravenna Road that have an accessory building in front of the house.

A discussion took place regarding shuttling water if there were ever a fire.

Contiguous property owner Mike Lux testified that he lives across Ravenna Road from the Colletti's property and that since he will not be able to see the building, he does not have an issue with it.

There were no further questions.

Jonathan Tiber, a Claridon Township Trustee, and Jim Wilmot, a member of the Claridon Township Board of Zoning Appeals were in attendance viewing the meeting.

Motion by Brian Stewart to grant BZA-2024-02v--an appeal requesting a variance, submitted by Paul Colletti/Lance Hoffman from the Auburn Township Zoning Resolution, Article 5.02(a)(2)(a) Accessory Buildings: No accessory building shall be located in a front yard for a proposed new accessory building located at 16985 Ravenna Road, Auburn Township OH 44023 in an R-2 zoning district.

The motion was seconded by Lewis Tomsic. Vote: Stewart, yes; Tomsic, yes, Hogan, yes; Ford, yes; Varley, yes.

The motion was granted.

Mr. Ford explained again that the BZA's decision will not be final until 30-days from when the meeting minutes are approved and that the minutes will be approved on March 12, 2024.

Mr. Colletti and Mr. Hoffman thanked the Board.

There were a couple of handouts given to the Board members. There were no further comments or concerns.

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Motion by Doug Hogan to adjourn the meeting. The motion was seconded by Michael Varley.

Vote: Stewart, yes; Tomsic, yes, Hogan, yes; Ford, yes; and Varley, yes.

The motion was granted.

The meeting was adjourned.

Minutes submitted by

Jane Hardy

Jane Hardy, BZA Secretary

Minutes Approved on:

March 12, 2023

Robert Ford, Chairman