RECORD OF PROCEEDINGS

Minutes of AUBURN TOWNSHIP BOARD OF ZONING APPEALS—REGULAR Meeting

Auburn Township Administration Building

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

11010 Washington Street September 12, 2023 1

Held BZA-2023-07v 20

MEMBERS PRESENT: DOUG HOGAN, MICHAEL VARLEY, LEWIS TOMSIC, BEN TIMMONS

MEMBERS ABSENT: BRIAN STEWART, DAVID PARKER, BOB FORD

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

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

BZA-2023-07v--an appeal requesting a variance, submitted by RBJ Development LLC, Randall Greene, Green Concrete Leveling from the Auburn Township Zoning Resolution, Article 4A.07(b)(2) Building Setback Requirements, Side Yard 30' required, 15' proposed for an industrial building, to be located at 10125 Queens Way, Auburn Township, Ohio 44023 in an I-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: Doug Hogan, Lewis Tomsic, Michael Varley, and Ben Timmons.

Fire Chief, John Phillips; Frank Kitko, Auburn Township Zoning Inspector and Jane Hardy, Assistant Zoning Inspector/BZA Secretary 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 during the variance request hearing.

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 this hearing will be the minutes recorded by the Board of Zoning Appeals Secretary and also included in the official record is the case file for BZA-2023-07v and the Auburn Township Zoning Resolution.

Randall Greene, Green Concrete Leveling, RBJ Development LLC introduced himself to the Board of Appeals members. Mr. Green testified that he lives at 17570 Snyder Road, Bainbridge Township Ohio 44023.

He indicated that he purchased his lot on Queensway from Dale Haberney. He further stated that the lot is located on the cul-de-sac. He explained that it is currently a vacant lot and he is proposing to build a building to relocate his business, Green Concrete Leveling. He explained that he would like to move the location of his building closer to Dale Haberney's property line (the west property line) so that it is easier for his trucks to back into the building to store overnight. He indicated that on the building he is proposing four (4) overhead doors on the east side of the building, for entry into the building.

Mr. Green indicated that he has approximately ten (10) employees, and in addition to his trucks he also has other equipment that includes excavators and a power washer.

Mr. Green also testified that he had letters from two of the contiguous property owners ESP and Dale Haberney, indicating that they did not have an issue with his project. Mr. Green did indicate that his proposed building would be moving farther from the ESP building [East side].

Fire Chief John Phillips indicated that he did not have any issue with the proposed request from a safety standpoint.

Zoning Inspector Frank Kitko indicated that he was ok with the proposed request.

An unidentified audience member asked if shifting the building to the west would encroach on the fifteen foot (15') utility easement or the sanitary sewers. A discussion took place. Mr. Green indicated that the proposed location would not affect the sanitary sewers or any utilities. [In a side note, the unidentified audience member was a contiguous property owner to the south of Mr. Greens property; that property fronts on Munn Road].

There was no further comments or questions.

Motion by Lewis Tomsic to grant <u>BZA-2023-07v</u>--an appeal requesting a variance, submitted by RBJ Development LLC, Randall Greene, Green Concrete Leveling from the Auburn Township Zoning Resolution, Article 4A.07(b)(2) Building Setback Requirements, Side Yard 30' required, 15' proposed for an industrial building, to be located at 10125 Queens Way, Auburn Township, Ohio 44023 in an I-1 zoning district. The motion was seconded by Doug Hogan. Vote: Timmons, yes; Tomsic, yes; Varley, yes; and Hogan, yes. The motion was granted.

The meeting moved on to the next item on the agenda which was minute approval.

Board members read the meeting minutes from the August 8, 2023, meeting.

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Motion by Michael Varley to approve the meeting minutes for the August 8, 2023, meeting for BZA-2023-06v for Chad Sparks. The motion was seconded by Doug Hogan. Vote: Timmons, abstain; Tomsic, yes; Varley, yes; and Hogan, yes. The motion was approved.

Members read the Findings of Facts.

Motion by Lewis Tomsic to approve the Findings of Facts for the August 8, 2023, meeting for BZA-2023-06v for Chad Sparks. The motion was seconded by Doug Hogan. Vote: Timmons, abstain; Tomsic, yes; Varley, yes; and Hogan, yes. The motion was granted.

Members signed the Findings of Facts.

The next meeting will be October 10, 2023.

It was noted that Mr. Hogan and Mr. Ford will not be at the October 10, 2023, meeting. It was also noted that there will be no secretary for the November and possibly December meeting.

Motion by Lewis Tomsic to adjourn the meeting. The motion was seconded by Ben Timmons. Vote: Timmons, yes; Tomsic, yes; Varley, yes; and Hogan, yes. The motion passed.

The meeting was adjourned.

Minutes submitted by

Jane Hardy, BZA Secretary

Minutes Approved on:

October 10, 2023

Douglas Hogan, Chairman