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 October 10, 2023 1

Held BZA-2023-08v 20

MEMBERS PRESENT: MICHAEL VARLEY, LEWIS TOMSIC, BEN TIMMONS, BRIAN STEWART, DAVID PARKER

MEMBERS ABSENT: BOB FORD, DOUG HOGAN,

MEMBERS HEARING THE CASE: Parker, Stewart, Tomsic, Timmons, Varley

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

BZA-2023-08v--an appeal requesting a variance, submitted by **T & B Development LLC, Bruno Frate,** from the Auburn Township Zoning Resolution, **Article 4A.07(a)(1) Building Setback Requirements, Front Yard**--required 75'; grandfathered at 58' 3-3/4", proposed 46', for a proposed addition located at **17720 Ravenna Road**, Auburn Township, Ohio 44023 in a **B-1A** zoning district.

The meeting was called to order by Acting Chairman Brian Stewart at 7:00 PM.

Roll call was taken with the following members present: Lewis Tomsic, Michael Varley, Ben Timmons, Brian Stewart, and David Parker

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 recited.

Mr. Stewart swore everyone in who was planning on testifying during the variance request hearing.

Mr. Stewart verified that everyone present in the audience had signed in at the podium.

Mr. Stewart read the following opening statement:

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. Stewart further explained the importance of when the action of the Board of Appeals becomes final.

Mr. Stewart 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-2023-08v and the Auburn Township Zoning Resolution.

Bruno Frate had an opening statement that he wanted to deliver to the Board of Appeals members.

Bruno Frate introduced himself, his architect and the rest of his party to the Board. He commented that he and his wife Tricia are residents of Auburn Township and have a vested interest in the Auburn Corners area. He indicated that he lives in the community. His wife has a flower business at his residence and again stressed their investment in the community.

Mr. Stewart commented that the Board is just addressing the issue at hand tonight, which is the case regarding the property in question, that will be the coffee shop.

The architect for the project introduced himself to the Board. He explained that this project is a critical part of the Auburn Corners area, and he is appreciative of being part of it. He further explained that one of the major things that they are trying to accomplish is the accessibility for everyone and that the accessibility be open to and including ADA accessibility.

He further explained that for it to be ADA accessible, there needs to be a safe passage for everyone to access the structure and to try to minimize the intrusion and make it fit the area. He further explained that the house is old and does not fit in at the Corners. They are planning on landscaping the area so it fits in better into the neighborhood.

Mr. Stewart asked if this is a phased project.

It was explained that the front addition is just a ramp to the coffee shop.

Mr. Stewart asked what the deck is used for. Mr. Stewart explained that he was out there on site and took pictures.

The architect indicated that it would be a safe way across the driveway and through the front door.

It was noted that this is a large deck. It was explained that the eight (8') wide deck is needed for the width up around and from the door through the building for ADA access.

Ashley Cowgill introduced herself to the Board and indicated that she is the designer for the project and she is also a contiguous property owner and lives next door (north) of the property. She indicated that the original door will be closed off and they moved the door over.

Ms. Cowgill explained that the goal was to keep the people to the front of the building and that could be accomplished by moving the door over.

Mr. Stewart asked what the timing for the project would be.

Mr. Frate indicated that they want to move the coffee shop inside, so the employee does not freeze in the winter in the coffee wagon and keep the operation moving forward. He indicated that the project will be completed by Spring 2024 and by Spring, Mr. Frate meant it would be May/June.

Mr. Parker asked what material the deck would be made from. The architect indicated that it would be a synthetic material that can be washed down.

Mr. Stewart asked Frank Kitko, Auburn Township's Zoning Inspector, if he had any comments regarding the project.

Mr. Kitko indicated that he had many concerns. He indicated that even though they are only presenting Phase I, but that they expect Phase II to be fully functional in the Spring, they have not officially presented Phase II.

Mr. Kitko indicated that in his opinion, the traffic flow pattern on the property is not safe because the traffic crisscrosses in the proposed parking area.

Mr. Kitko also indicated that based on Geauga County's lot area for this parcel and the application, it shows the lot area at .48 acre. The submitted print shows the lot to be larger than that. Mr. Kitko indicated that there may be an issue with the proposed calculation for lot coverage.

Mr. Kitko indicated that they may be including the ROW in the lot, which we do not include when calculating lot coverage. Mr. Kitko also commented that the total lot coverage may affect what can be actually done on the lot, since parking and driveways are included in lot coverage.

Mr. Kitko also commented that he does not believe that the parking spaces are long enough. There are certain guideline requirements for drive-thru parking; also, the width of the driveway for a drive-thru facility may not be correct.

Mr. Kitko indicated that he felt the traffic should flow all in one direction for this project.

Mr. Kitko also indicated that there needs to be twelve (12) spaces for car queuing (vehicle queuing needs to be on same lot also) and the stacking lane cannot block parking or the fire lane. There also needs to be three (3) spaces for a product pick up area.

Fire Chief John Phillips indicated that the traffic pattern is concerning with the cross traffic.

There may need to be a second drive which could be problematic. The second drive may not be allowed by ODOT and the second drive cannot be run from the south lot unless the lots are combined.

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Mr. Kitko did indicate that there currently is somewhat of a ramp there now. He commented that the project with the landscaping does look good, but there are concerns with how much closer to State Route 44 the business will be, especially with the speed limit at 45 MPH and cars normally traveling 55 MPH.

Mr. Kitko also questioned whether a second drive could even be put in if the parcels are combined.

The Architect indicated that they did look at other options for traffic/pedestrian flow or for shifting the driveway.

Mr. Kitko indicated that if the project just entailed the four foot (4') ramp, that the handicap ramp could be allowed without a variance since it was under five foot (5') extension rule.

Fire Chief John Phillips also indicated that a "lockbox" would need to be installed and it would need to meet code. He asked about the second egress of escape from the building. It was indicated that there will be a door on the west side (back) of the building.

Mr. Frate also indicated that they are also planning on raising the roof to get more height and then they could exit from the back of the building; they would install a staircase. The Chief asked about the secondary means of getting out of the second floor.

A discussion took place regarding all the safety issues and other pending problems with the project, that could potentially require numerous variances.

Since there were so many unanswered questions and concerns, it was suggested that the applicant request the hearing be recessed.

It was also noted that intentions are subjective and if it is not on paper, they do not have merit. It was suggested that the whole project be "cleaned up" and readdressed.

Mr. Frate indicated that there was pros and cons with delaying the project.

Mr. Frate indicated that he would like to recess at their request. He and his party then exited the meeting.

Motion by Brian Stewart to recess BZA-2023-08v. The motion was seconded by Lewis Tomsic. Vote: Timmons, yes; Tomsic, yes; Varley, yes; Parker, yes; and Stewart, yes. The motion was approved.

Motion by Lewis Tomsic to approve the meeting minutes for the September 12, 2023, meeting for BZA-2023-08v for RBJ Development LLC Randy Green. The motion was seconded by Michael Varley. Vote: Timmons, yes; Tomsic, yes; and Varley, yes; Stewart, abstain; and Parker, abstain. The motion was granted.

Members read the Findings of Facts.

Motion by Lewis Tomsic to approve the Findings of Facts for the September 12, 2023, meeting for BZA-2023-08v for RBJ Development LLC Randy Green. The motion was seconded by Michael Varley. Vote: Timmons, yes; Tomsic, yes; and Varley, yes; Stewart, abstain; and Parker, abstain. The motion was granted.

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Members signed the Findings of Facts.

The next meeting date was discussed.

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

The meeting was adjourned.

Minutes submitted by

Jane Hardy, BZA Secretary

Minutes Approved on:

February 13, 2024

Brian Stewart, Acting Chairman