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 ~~BZA-2024-05v~~ April 9, 2024 1 20

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

MEMBER ABSENT: DAVID PARKER

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

CASE FILE: The case file for BZA-2024-05v is included as part of the official record, along with the Auburn Township Zoning Resolution

BZA-2024-05v--an appeal requesting a variance, submitted by Thomas E. Shaw 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 to be located at 16850 Auburn Road, Auburn Township OH 44023 in an R-1 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, Mr. Timmons 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 in the audience 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:

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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 of the meeting will be the minutes recorded by the Board of Zoning Appeals Secretary. Mr. Ford also noted, that as part of the official record, is the case file for BZA-2024-05v and the Auburn Township Zoning Resolution.

First item on the agenda was under Old Business. Mr. Ford explained that BZA-2023-08v (T&B) was officially withdrawn on March 15, 2024. It was for the proposed coffee shop on Ravenna Road.

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

BZA-2024-05v--an appeal requesting a variance, submitted by Thomas E. Shaw 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 to be located at 16850 Auburn Road, Auburn Township OH 44023 in an R-1 zoning district.

Thomas Shaw was asked to present his case.

Dr. Shaw introduced himself to the Board.

Dr. Shaw explained his variance request and indicated that he would like to build an accessory structure in front of his dwelling. He further explained that he would use the structure for the storage of vehicles which are currently being stored outside. He indicated that the vehicles are used for his work. Dr. Shaw commented that the truck is where keeps medication for animals. Dr. Shaw commented that he is a veterinarian.

Dr. Shaw also explained that he wanted to locate the structure in front of his dwelling, so it does not conflict with the location of his well and septic. Dr. Shaw confirmed the locations of the septic and well, he also explained that if he puts the structure in the back yard the structure would be more noticeable for his neighbors than if he locates the structure in the front yard.

Mr. Timmons asked where the building is proposed and where exactly the septic is located. Dr. Shaw explained that the septic is south of the house and the replacement field is east toward Auburn Road.

Mr. Hogan asked which way the garage door will be facing. Dr. Shaw explained that the garage doors would be facing the house and would not be front facing toward Auburn Road. Dr. Shaw further explained that he would be adding gravel or dirt near the current driveway, and the proposed structure will be located at the edge of the current drive. It was explained that Dr. Shaw's yard slopes toward Auburn Road.

Mr. Ford inquired if the siding of the new structure would match the house?

Dr. Shaw explained that the siding would be vertical plank board and the proposed accessory building would match the house.

Mr. Stewart asked if the proposed building would be heated. Dr. Shaw indicated that potentially it would be heated, but not right away. Dr. Shaw also noted that there would be no water in the proposed structure.

Dr. Shaw also noted that there would be some storage in the loft area and the proposed structure would be eighteen feet (18') high.

Dr. Varley confirmed that the structure would not be attached to the main dwelling.

Mr. Tomsic confirmed that there would be enough room for a replacement field for the property's septic.

Mr. Stewart commented that the structure will be 400' from the road and the property slopes toward Auburn Road.

A discussion took place regarding the wet areas on the property and how curtain drains may need to be installed.

Comments from the Zoning Department indicated that Frank Kitko, Zoning Inspector, did not have any issues with the proposed placement of the structure, but Mr. Kitko did not want anyone residing in the building or any landscapers working out of the accessory structure.

Fire Chief John Phillips testified that he did not have an issue with the request.

There were no contiguous property owners present at the meeting to voice any concerns. Dr. Shaw did indicate that he spoke with one of his neighbors a few years about building the structure.

Mr. Ford suggested that there should be landscaping around the accessory structure. Dr. Shaw indicated that he would be putting some shrubs around it.

Dr. Varley asked that the proposed structure be made to look like part of the house.

There was no further comments or questions.

Motion by Doug Hogan to grant <u>BZA-2024-05v</u>--an appeal requesting a variance, submitted by Thomas E. Shaw 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 to be located at 16850 Auburn Road, Auburn Township OH 44023 in an R-1 zoning district.

The motion was seconded by Lewis Tomsic.

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

The motion was granted.

Mr. Ford explained again that the BZA's decision will not be final until 30-days from the date that the meeting minutes are approved and that the minutes for tonight's hearing will be approved on May 14, 2024.

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Mr. Ford moved on to the next item on the agenda, which was BZA-2024-06c, EZ Storage Solutions, Gregory F. Prusa. Mr. Prusa was not present and was being represented by Paul Phillips. Mr. Phillips did not have the required letter of authorization from Greg Prusa, so Mr. Phillips was not legally able to represent Greg Prusa at the meeting.

BZA-2024-06c was tabled for the next meeting on May 14, 2024.

Mr. Ford moved on to the next item on the agenda.

Minutes submitted by

Jane Hardy, BZA Secretary

Minutes Approved on:

May 14, 2024

Robert Ford, Chairman