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 May 14, 2024 1 20

~~BZA-2024-09v BZA-2024-10v~~

MEMBERS PRESENT: DOUG HOGAN, BRIAN STEWART, MICHAEL VARLEY, ROBERT FORD, BEN TIMMONS, DAVID PARKER

MEMBER ABSENT: LEWIS TOMSIC

MEMBERS HEARING THE CASE: Hogan, Stewart, Varley, Timmons, and Parker

CASE FILE: The case files for BZA-2024-09v and BZA-2024-10v are included as part of the official record, along with the Auburn Township Zoning Resolution

BZA-2024-09v--an appeal requesting a variance, submitted by **David B. Chittock, Jr.** 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 an existing dwelling (accessory building) located at **18780 (18760) Shaw Road, Auburn Township OH 44023** in an R-1 zoning district.

BZA-2024-10v--an appeal requesting a variance, submitted by **David B. Chittock, Jr.** From the Auburn Township Zoning Resolution, **Article 4.03(h) Maximum Building Heights: . . , and no accessory building shall exceed a height of 23 feet** for a proposed accessory building (current dwelling) located at **18780 (18760) Shaw Road, Auburn Township OH 44023** in an R-1 zoning district.

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

Mr. Chittock was sworn in since he would be testifying and missed being sworn in earlier.

Mr. Ford indicated that he was going to recuse himself from hearing the next two (2) cases.

Vice Chairman Doug Hogan chaired the meeting. Mr. Chittock was asked to present his case.

David Chittock introduced himself to the Board and commented that he has lived on Shaw Road since 1987. He explained that it is a 3-acre parcel and that they have a big garden that is 30' x 30'.

Mr. Chittock further explained that the original intent for their agricultural building was they had planned to have chickens. He explained that they were going to build a basic barn on their second lot and go the agricultural route, but the proposed project kept growing, it ended up getting out-of-hand and turned into a dwelling.

Mr. Chittock commented that they do store some equipment inside the building that was built agriculturally but the second floor of the new structure has been built out and finished off into living space.

Mr. Chittock further explained that when he was cited, Mr. Kitko gave him a couple potential options. One of the options was to combine the two lots that the Chittock's own and to apply for variances, since the agricultural building ended up not being agricultural. Mr. Kitko explained that a variance for sure would be needed because the accessory building was located in front of the dwelling and it exceeds height restrictions.

Mr. Chittock indicated that he decided to combine the two (2) properties that he owns on Shaw Road, one parcel has his current dwelling located on it and the other parcel has the newly constructed building on it and once consolidated the two lots will create a new seven-acre parcel. He indicated that he will not combine the lot until the variance is granted.

Since the new building is currently qualified as a dwelling and not an accessory building, it was explained that he would have to remove the stove from the kitchen and the plumbing for the shower leaving just a commode and hand sink. By doing this, the structure will then become an accessory building and accessory buildings are only allowed a commode and a hand sink.

Mr. Chittock also explained that there is a pond and wetlands on the back of the property with the accessory building, so the accessory building could not have been moved back any farther on the lot and that is why the current location was chosen. He also explained that the current dwelling is 168' off the road and the accessory building is 100' off Shaw Road, so the accessory building will still be far off the road. He also added that because of the pond and wetland that is currently on both properties, the structure could not have been located behind the current dwelling either.

Mr. Chittock also commented on the height of the new structure which currently is 26' and it should only be 23' maximum. He indicated that he wanted the structure "to look like it belonged on the property" and that is why the newly constructed building is higher than what is allowed. Mr. Chittock had pictures of the current dwelling and the new structure for the Board members.

Mr. Hogan asked about what was located inside the structure. It was noted that there is a bathroom and kitchenette. Mr. Chittock also commented that they were still going to grow the garden and have the chicken coop eventually.

Mr. Stewart summarized what the proposed Chittock plan was in order to comply with zoning. It was noted that Mr. Chittock would be combining two lots on Shaw Road (18780 and 18760) to create a larger seven (7) acre parcel.

By combining the two (2) parcels, the newly constructed building will be located in front of the current dwelling and this is not allowed per zoning. In addition, the building itself currently exceeds the permitted accessory building height that is allowed; therefore, the two variances are necessary to comply with zoning regulations.

It was also noted that the septic line for the accessory building is crossing the current property line and hooking into the septic for the dwelling, which is another reason for combining the two lots. Mr. Chittock is to contact the Geauga County Health Department to verify compliance with Health Department rules and regulations.

A discussion took place regarding the use of the facility for the Chittock's non-profit and the concern that the structure will be turned into an event center. Mr. Chittock did indicate that they host a fund raiser for his non-profit twice a year and that they have 40-50 people that attend. He also commented that he does intend to use the new accessory structure to personally host those events. Mr. Chittock indicated that it would be no different than if he hosted the event at his dwelling. It was explained that it can be used for a personal party; but it is not to be rented out privately or be used commercially.

A discussion took place. Mr. Chittock was informed that the accessory building should not be turned into an event center or that anybody should be able to live in it.

A discussion took place regarding Mr. Chittock's option instead of combining the lot.

Chief John Phillips did not have any issues with what was being proposed.

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Zoning Inspector, Frank Kitko, commented that the structure was built with no inspections, the septic lines currently cross property lines, and even through there is equipment in the structure, it is not considered an agricultural use. Mr. Kitko commented that the kitchen and the shower in the bathroom will need to be removed or disconnected. He also commented that an accessory structure is only allowed a commode and a sink.

There was no further comments or questions.

Mr. Hogan explained the appeal process to Mr. Chittock. The decision will be effective thirty (30) days after the minutes are approved. The minutes will be approved on June 11, 2024, and the appeal period is 30 days after that date that the minutes are signed.

Mr. Chittock also indicated that he had Braun and Associates write up a legal description for the new seven (7) acre lot, but the properties will have to be surveyed.

Mr. Kitko will verify that the building is compliant in the next few weeks.

There was no further comments or questions.

Mr. Hogan asked for a motion.

Motion by Brian Stewart to grant BZA-2024-09v--an appeal requesting a variance, submitted by David B. Chittock, Jr. 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 an existing dwelling (accessory building) located at 18780 (18760) Shaw Road, Auburn Township OH 44023 in an R-1 zoning district.

The motion was seconded by Ben Timmons.

Vote: Stewart, yes; Timmons, yes; Hogan, no; Parker, yes; and Varley, no. Motion passed.

Motion by Brian Stewart to grant BZA-2024-10v--an appeal requesting a variance, submitted by David B. Chittock, Jr. From the Auburn Township Zoning Resolution, Article 4.03(h) Maximum Building Heights: . . , and no accessory building shall exceed a height of 23 feet for a proposed accessory building (current dwelling) located at 18780 (18760) Shaw Road, Auburn Township OH 44023 in an R-1 zoning district.

The motion was seconded by Ben Timmons.

Vote: Stewart, yes; Timmons, yes; Hogan, yes; Parker, yes; and Varley, no. Motion passed.

The appeal period was again explained to the applicant. The minutes will be approved on June 11, 2024, there is a thirty (30) day appeal period after that date.

Motion by Doug Hogan to approve the meeting minutes for BZA-2024-05v for Thomas Shaw. The motion was seconded by Robert Ford. Vote: Stewart, yes; Timmons, yes; Hogan, yes; Parker, yes; and Varley, yes. Motion passed.

Motion by Robert Ford to approve the Findings of Fact for BZA-2024-05v for Thomas Shaw. The motion was seconded by Ben Timmons. Vote: Stewart, yes; Timmons, yes; Hogan, yes; Parker, yes; and Varley, yes. Motion passed.

Motion by Doug Hogan to approve the meeting minutes for BZA-2024-07v for Thomas Shaw. The motion was seconded by Robert Ford. Vote: Stewart, yes; Timmons, yes; Hogan, yes; Parker, yes; and Varley, yes. Motion passed.

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Motion by Robert Ford to approve the Findings of Fact for BZA-2024-07v for Thomas Shaw. The motion was seconded by Ben Timmons. Vote: Stewart, yes; Timmons, yes; Hogan, yes; Parker, yes; and Varley, no. Motion passed.

Next meeting will be June 11, 2024. It was noted that there are tentative cases for both June and July meetings.

Motion to Dr. Varley to adjourn the meeting. The motion was seconded by Ben Timmons. Vote: Stewart, yes; Timmons, yes; Hogan, yes; Parker, yes; and Varley, no. Motion passed.

Minutes submitted by

Minutes Approved on:

June 11, 2024

Jane Hardy, BZA Secretary

Robert Ford, Chairman