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-2024-06c~~ May 14, 2024 1 20

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

MEMBER ABSENT: LEWIS TOMSIC AND DAVID PARKER (LATE)

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

CASE FILE: The case file for BZA-2024-06c is included as part of the official record, along with the Auburn Township Zoning Resolution

BZA-2024-06c—a request for a conditional use permit for EZ Storage Solutions, LLC, Gregory F. Prusa, for self-storage located at 10204 Queens Way and 17290 Munn Road, Auburn Township, Ohio 44023 in an I-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. Timmons and Mr. Ford, and David Parker (late)

Member absent was Lewis Tomsic.

Frank Kitko, Auburn Township Zoning Inspector, John Phillips, Auburn Volunteer Fire Chief 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-2024-06c and the Auburn Township Zoning Resolution.

Under old business was:

BZA-2024-06c—a request for a conditional use permit for **EZ Storage Solutions, Gregory F. Prusa**, for self-storage located at 10204 Queens Way and **17290 Munn Road**, Auburn Township, Ohio 44023 in an I-1 zoning district.

Paul Phillips introduced himself to the Board and indicated that he would be representing Mr. Prusa at the meeting.

It was noted that Mr. Prusa has been in contact with the Zoning Department and that Mr. Prusa submitted a letter authorizing Mr. Phillips to represent his LLC, EZ Storage Solutions, LLC at the meeting.

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

It was noted that Gregory Prusa was going to be represented by Paul Phillips. Mr. Phillips submitted a letter of authorizing him to represent Mr. Prusa of EZ Storage Solutions, LLC.

It was explained that the business changed ownership within the family, but under different LLC, so the Conditional Use Permit is not transferrable.

The Zoning Inspector Frank Kitko indicated that there has been no complaints regarding this property.

Fire Chief John Phillips indicated that the Fire Department has no issues with the business.

The Board read over the previous conditions. There was no further comments or questions.

Motion by Brian Stewart to grant BZA-2024-06c—a request for a conditional use permit for EZ Storage Solutions, LLC, Gregory F. Prusa, for self-storage located at 10204 Queens Way and 17290 Munn Road, Auburn Township, Ohio 44023 in an I-1 zoning district with the following conditions:

1. All requirements for self-storage units as listed in 5.03(g) of the Auburn Township Zoning Resolution are included as conditions to this certificate.

2. A landscape buffer is required for the front parking.

3. Parking will not be permitted between buildings "No Parking Fire Lane" signs must be posted. Quantity and location of the signs to be determined by the Auburn Volunteer Fire Department. Documentation as to location of signage to be supplied to the Auburn Township Zoning Inspector.

4. "No Flammable and Dangerous Materials Signs" shall be posted on the end of each building adjacent to the driveway. All other required locations for sign placement will be determined by the Auburn Volunteer Fire Department.
5. No unit is to be used as a residential dwelling.

6. No units can be used to house animals.

7. There will be no warehousing.

8. No businesses other than self-storage are permitted in the individual units.

9. No sanitary hook up to any unit.

10. Applicant to supply and maintain fire extinguishers as per the State of Ohio Fire Code and the Auburn Township Fire Department. The integrity of the firewall must be maintained.

11. There is to be NO outdoor storage.

12. At the west building, there is to be nothing stored or left in the hallway—signage indicating this requirement is to be provided and approved by the AVFD.

13. No electrical in any individual units.

14. At the West building only, electrical & HVAC only as shown on original prints.

15. The Conditional Use Certificate is granted for a period of five (5) years, but the Township reserves the right "to revoke the certificate" if there is any violation.

16. A Knox Box is required (coordinate with AVFD).

17. There needs to be a fire extinguisher located within 75' from all units.

The motion was seconded by Doug Hogan. Vote: Stewart, yes; Timmons, 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 June 11, 2024.

Mr. Ford moved on to the next item on the agenda, under New Business.

Minutes submitted by

Minutes Approved on:

June 11, 2024

Jane Hardy, BZA Secretary

Robert Ford, Chairman