RECORD OF PROCEEDINGS
Minutes of AUBURN TOWNSHIP ZONING COMMISSION—REGULAR Meeting
GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148
Auburn Township Administration Building
11010 Washington Street October 24, 2024 1
Held 20

MEMBERS PRESENT: CHAD CANFIELD, DENNIS BERGANSKY, SCOTT BROCKMAN, JEFF PULSFORD, TED VAN HYNING, GREG LACKEY, ANGELA DAUGHERTY

MEMBER ABSENT: NONE

The meeting was called to order at 7:00 PM by Chairman Ted Van Hyning.

Roll call was taken.

Members present were: Chad Canfield, Dennis Bergansky, Scott Brockman, Jeff Pulsford, Ted Van Hyning and Angela Daugherty.

Member absent: None

Jeff Pulsford led the Pledge of Allegiance.

The Commission read and reviewed the meeting minutes from October 10, 2024, meeting.

Audience member Jason Wein requested a copy of the meeting minutes so he could read and know what the members had discussed at the meeting. Mr. Wein was instructed on how to officially request a copy of the meeting minutes and the procedure to submit an official Records Request.

After review, Mr. Brockman commented that there was a punctuation mark missing on Page 3.

Motion by Scott Brockman to approve the October 10, 2024, meeting minutes for the Auburn Township Zoning Commission. The motion was seconded by Dennis Bergansky. Vote: Bergansky, yes; Brockman, yes; Canfield, yes; Pulsford, yes; and Van Hyning, yes. The motion passed.

Mr. Van Hyning addressed the next item on the agenda which was to finalize the discussion regarding the height of accessory buildings.

Mr. Brockman presented some sketches of one (1) and two (2) car garages. The sketches also assumed a 12/12 pitch roof, which would be the steepest roof and it showed how easy it was to turn an accessory building, with a steeper roof, into living space.

Mr. Pulsford asked what the height of the garage door could be. A discussion took place.

Questions and points that were brought up during the discussion. One question was could the Township require trusses to be included on the second floor to prevent the second story living space.

David Dietrich commented that Auburn currently has higher limits than the rest of the Townships in Geauga County. Mr. Dietrich further indicated that most of the Townships in Geauga County allow between 18-20' for accessory building height.

It was further explained that the taller accessory buildings have become an issue in Auburn Township and especially the fact that the structure is being tied into the septic without inspections and permits from the County Health Department.

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Mr. Van Hyning commented that he feels twenty feet (20') or twenty-one feet (21') would seem more reasonable.

Mr. Brockman indicated that there is still an option to apply for a variance if necessary.

Mr. Bergansky suggested that wording be included to limit the amount of space allowed above the first floor. A discussion took place to see if this would be permitted. Mr. Bergansky also commented that if there was a higher door, maybe wording could be used to limit the amount of space allowed above the first floor.

A discussion took place. It was noted that a 14' door could be used and still be under the 18' height restriction.

Mr. Dietrich also noted that Auburn Township already has verbiage that indicates there is only one dwelling per lot. He indicated that that will also help with enforcement.

A discussion took place.

It was again noted that there still could be a 14' door installed and still be under the 18'.

A discussion took place regarding what would stop someone from purchasing an agricultural building and converting it to living space. It was noted that if the structure was still being used agriculturally, it would be permitted. If the structure had been converted from agricultural to living space than it probably would not be permitted.

Mr. Pulsford asked what Mr. Kitko could do if someone violated this. The enforcement process was explained.

Mr. Van Hyning explained that the purpose of lowering the height of an accessory building is to make it more difficult to convert accessory buildings into living space.

Mr. Van Hyning indicated that discussion on the topic was going to be concluded. The goal of this change is to discourage the additional living space.

The proposed language of the amendment was read.

Motion by Scott Brockman to accept the changes to 5.03 regarding the change in the height of accessory buildings.

Motion by Scott Brockman to accept changes to 5.03 and 2a regarding the change in the height of accessory buildings. The motion was seconded by Dennis Bergansky. Vote: Bergansky, yes; Brockman, yes; Canfield, yes; Pulsford, no; and Van Hyning, no. The motion passed.

The members were asked by Mr. Van Hyning to review Section 5.02 and the additional verbiage that was added "the use of this accessory structure as a dwelling is prohibited and the structure must be located in a side or rear lot."

Mr. Van Hyning indicated that this would be added to the new amendment. All members were in agreement.

Mr. Van Hyning moved on to the next item on the agenda which was Mobile Food Units. Mr. Van Hyning explained that the current version of this amendment was revised to include the APA's comments. He also explained that the Commission ended at the last meeting discussing the number of days per month and including special event days that food trucks would be allowed.

Mr. Brockman commented that, in his opinion, he thinks two (2) trucks at a time for events and two (2) days per week. He also indicated that this is an increase of limiting it to once a month.

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Mrs. Daugherty indicated that she remembers the allowed number of food trucks was to be one time per month.

Mr. Van Hyning asked the members to read what is currently written and allowed in the proposed verbiage. Mr. Van Hyning asked if the Commission wants to proceed with it as it is written or limit it monthly as well.

Bryan Kuch, an investor in 8th Day Brewery, introduced himself and indicated that he is "late to the discussion on food trucks" and he questioned why there is a limit at all. He indicated that he wants food trucks at least three (3) days a week and he wants to "know why would he not be allowed to do that?"

Mr. Van Hyning again explained that food trucks are currently not a permitted use in Auburn Township, so food trucks are currently not allowed. He further explained that the amendment being discussed will then allow food trucks to be permitted in Auburn Township. He also commented that the regulations that will be enacted are for health and safety and will be applicable to every commercial parcel in Auburn Township; not just the three (3) or four (4) commercial properties that are represented at the meeting.

Mr. Kuch indicated that he should be allowed to bring a food truck to his business each day that he is open.

Mr. Brockman asked, "why should one particular business be permitted and allowed?

Mr. Van Hyning commented that as it is currently presented, food trucks are presented as twice a week plus an additional special event two (2) time per quarter, so eight (8) times a year a business can have a truck for a special event. He further explained that we are trying to allow for food trucks or we could leave it as they are and never allow food trucks to be here. Mr. Van Hyning commented that personally and with discussions on the Commission, the Commission does not want to see food trucks all the time on commercial lots and have them become an eyesore.

Mr. Kuch commented that if food trucks go away, his business will fail.

He again asked, "why not three (3) days a week and special events?"

Mr. Brockman commented that there are several reasons for zoning in the Auburn Township, one being to maintain its semi-rural character and to have balance between commercial development and the surrounding rural and residential areas. Mr. Brockman questioned if food trucks will burden the rural aspect of the Township.

Jason Wein asked if there are complaints regarding food trucks. It was noted that there are complaints on the temporary signage and of food trucks along Route 44 and the truck location being a fatality waiting to happen. A discussion took place.

Mr. Brockman commented that we have to be proactive rather than reactive.

Mr. Kuch commented that he is all for regulations, but he does not want something from the Board to cause the business to fail.

Mr. Bergansky commentated that the Township is zoned that the 8th Day business could add a kitchen. The Township cannot pick and choose who with a commercial lot can have a food truck in that area. He commented that when we put this into place and all of a sudden there are tons of food trucks, there needs to be regulations.

Kuch commented that the Township should make people apply to get a permit so that not any lot can just have a food truck.

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11010 Washington Street

Held October 24, 2024 4 20

Mr. Van Hyning commented that at previous meetings there were comments and concerns that requiring the trucks to obtain a permit was just a money grab since we would have to charge for permits.

Mrs. Daugherty asked for the meeting to move on.

Mr. Dietrich clarified that a restaurant must in fact have a kitchen.

Mr. Brockman asked, "why put that investment into a business that relies on a food truck." Mr. Kuch indicated that he did not think the Township would be so heavy handed.

A discussion took place regarding the current proposed amendment. Mr. Van Hyning asked if any commission member wanted to change the amendment as it is currently written. Mrs. Daugherty commented that she wants one (1) truck, four (4) days a month and two (2) times for special events. Other suggestions were as follows: any eight (8) days a month and special events; one (1) truck two (2) times a month; three (3) days and special events or six (6) times per location per month.

More debating and discussion took place.

Motion by Ted Van Hyning to allow food trucks eight (8) days per month and two (2) days per quarter for special events. The motion was seconded by Jeff Pulsford. Vote: Van Hyning, yes; Brockman, yes; Bergansky, Abstain; Canfield, no; and Pulsford, yes. With a tie vote, the motion failed.

It was suggested that since Mr. Bergansky did not have a financial interest in this amendment, it was felt that it was not a conflict for him. The motion was remade.

Motion by Ted Van Hyning to allow food trucks eight (8) days per month and two (2) days per quarter for a special event. The motion was seconded by Jeff Pulsford. Vote: Van Hyning, yes; Brockman, no; Bergansky, yes; Canfield, no; and Pulsford, yes. Motion passed.

The amendment process was again reexplained. A discussion took place. Once the amendment is officially initiated at the next Zoning Commission meeting, it will be delivered to the Planning Commission. The Planning Commission will meet and make recommendations and return it to the Zoning Commission in time for their Public Hearing, after the Zoning Commission's Public Hearing, the amendment will be forwarded to the Trustees for their action which will also include a Public Hearing.

Mr. Dietrich commented that we are blazing a new trail.

Mr. Van Hyning commented that the next meeting will be November 14, 2024.

Motion by Scott Brockman to adjourn the meeting. The motion was seconded by Dennis Bergansky. Vote: Van Hyning, yes; Brockman, yes; Bergansky, yes; Canfield, yes; and Pulsford, yes. Motion passed.

The meeting was adjourned.

Minutes submitted by

Sarah Mulleman, ZC Secretary

Minutes Approved on:

November 14, 2024

Ted Van Hyning, Chairman