RECORD OF PROCEEDINGS

Minutes of AUBURN TOWNSHIP BOARD OF ZONING APPEALS--SPECIAL Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held Auburn Township Administration Building 11010 Washington Street May 6, 2025 1 20

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

MEMBER ABSENT: DAVID PARKER

MEMBERS HEARING THE CASE: BRIAN STEWART, MICHAEL VARLEY, ROBERT FORD, LEWIS TOMSIC, DOUG HOGAN

CASE FILE: The case file for BZA-2025-01v is included as part of the official record, along with the Auburn Township Zoning Resolution

BZA-2025-01v--an appeal requesting a variance, submitted by Dave Bitterman, Behind the Pines Construction, for Daniel J. Duraney, from the Auburn Township Zoning Resolution, Article 4.03(h) Maximum Building Heights: . . , and no accessory building shall exceed a height of eighteen feet (18') for a proposed twenty-five foot (25') accessory building to be located at 10870 Golden Pond Drive, Auburn Township OH 44023 in an R-2 zoning district.

The meeting was called to order by Chairman Robert Ford at 7:01 PM.

Roll call was taken with the following members present: Hogan, Stewart, Varley, Tomsic, Timmons and 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 attendance 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:

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 commented that the official record for this meeting will be the minutes recorded by the Board of Zoning Appeals Secretary. Mr. Ford also noted that part of the official record, is the case file for BZA-2025-01v and the Auburn Township Zoning Resolution.

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

BZA-2025-01v--an appeal requesting a variance, submitted by Dave Bitterman, Behind the Pines Construction, for Daniel J. Duraney, from the Auburn Township Zoning Resolution, Article 4.03(h) Maximum Building Heights: . . , and no accessory building shall exceed a height of eighteen feet (18') for a proposed twenty-five foot (25') accessory building to be located at 10870 Golden Pond Drive, Auburn Township OH 44023 in an R-2 zoning district.

Mr. Ford asked the applicant to present his case.

Dave Bitterman, Behind the Pines Construction, introduced himself to the Board members. He explained that the variance for this proposed accessory for his client Daniel J. Durancy is needed because his client needs the structure to be twenty-five feet (25') tall. Mr. Bitterman also stated that the height of accessory buildings has just recently changed in Auburn Township and that affected his client. He further explained that his client has a camper that he wants to store indoors and the current allowed height will not accommodate a 12' garage door. He also explained that his client, per the HOA rules, needs to match the pitch of the roof of his house, which is a 10/12 pitch on the roof and the HOA does not allow campers to be stored outside.

Mr. Hogan commented that his client would still have needed a variance because the previously permitted height for an accessory building was 23' not the requested 25'.

The homeowner, Daniel J. Duraney, 10575 Golden Pond, introduced himself to the Board of Appeals members. Mr. Duraney explained that he needed to follow HOA rules matching the roof pitch on the garage and also he wanted the structure to match the house.

He explained that the HOA also approved his project and Mr. Duraney had a letter of approval to show the Board of Appeals. Mr. Duraney did confirm that he would be parking his camper inside the structure.

Mr. Duraney further explained that the proposed structure would be for cold storage for the camper and that the trusses, used in construction, would be positioned so that there would not be much access to the second floor and only for a small access for electrical.

Mr. Stewart explained why the Township's accessory building height was changed because of the problems with people converting their accessory building into a dwelling.

It was further explained and noted that the driveway would be extended to the proposed structure and there would be a drain in the front of the building on the driveway.

It was also noted that the accessory structure would not appear to be as tall as proposed because there is an elevation drop on that area of the property.

Mr. Stewart also noted that the accessory building cannot be located in front of the front building line of the existing dwelling and to be cautious with the curvature of the road.

It was noted that there are not many accessory buildings currently in the subdivision. Mr. Duraney explained that many of the houses in the development had an extra garage constructed when the original house was built.

It was noted that the Fire Chief John Phillips was not available for the BZA meeting tonight but with the 15' required distance between the structures, the Fire Department should be able to get around the buildings for safety purposes, if there was ever a fire.

Frank Kitko, Auburn Township Zoning Inspector, also commented that the 15' distance between the buildings would allow access to be able to fight a fire.

It was noted also that the garage door will face the driveway and there will be stone placed on the front of the building to match the existing house. Mr. Duraney also commented that the proposed accessory building will not be heated.

Mr. Ford asked Frank Kitko, Auburn Township Zoning Inspector, if he had any comments. Mr. Kitko felt with the direction of the trusses and the fact that the trusses could not be changed in the future was favorable and that there would not be a lot of room for anyone to move around on the 2nd floor.

Mr. Kitko also explained why the height of accessory buildings were originally changed.

A discussion took place.

There were no other questions or comments from the Board.

Motion by Brian Stewart to grant BZA-2025-01v, an appeal requesting a variance, submitted by Dave Bitterman, Behind the Pines Construction, for Daniel J. Duraney, from the Auburn Township Zoning Resolution, Article 4.03(h) Maximum Building Heights: . . , and no accessory building shall exceed a height of eighteen feet (18') for a proposed twenty-five foot (25') accessory building to be located at 10870 Golden Pond Drive, Auburn Township OH 44023 in an R-2 zoning district. The motion was seconded by Doug Hogan.

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

The motion was granted.

Mr. Bitterman and Mr. Duraney both thanked the Board members..

The appeal period was again explained to the applicant and the homeowner. They acknowledged the explanation.

Motion by Lewis Tomsic to approve the meeting minutes for the 2025 Organizational Meeting from January 14, 2025. The motion was seconded by Lewis Tomsic. Vote: Stewart, yes; Ford, yes; Tomsic, yes; Varley, yes; and Hogan, yes. The motion was granted.

There was no further business.

The next meeting will be May 13, 2025, at Auburn Township's Adam Hall.

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Motion by Brian Stewart to adjourn the meeting. The motion was seconded by Michael Varley. Vote: Stewart, yes; Ford, yes; Tomsic, yes; Varley, yes; and Hogan, yes. The motion was granted.

The meeting was adjourned.

Minutes submitted by

Jane Hardy, BZA Secretary

Minutes Approved on:

May 13, 2025

Robert Ford, Chairman