RECORD OF PROCEEDINGS

Minutes of AUBURN TOWNSHIP ZONING COMMISSION—**PUBLIC HEARING** ZC-2025-02 Meeting

Auburn Township Administration Building

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

Held 11010 Washington Street August 14, 2025 20

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

MEMBER ABSENT: CHAD CANFIELD,

The Public Hearing for ZC-2025-02 was called to order at 7:10 PM by Chairman Ted Van Hyning.

Mr. Van Hyning explained the proposed amendment ZC-2025-02 which was about outdoor dining.

There was a review of the letter from the Planning Commissions meeting of August 12, 2025. It was noted that the Planning Commission recommended "denial" of the proposed ZC-2025-02 because portions of the amendment they felt exceeded the "authority in the Ohio Revised Code."

It was noted that the letter did not comment on what portions were in question.

David Dietrich indicated that the proposed amendment was reviewed by legal and some modifications were made based on the Township's APA's advice.

A discussion took place regarding the recommendation.

The meeting was opened to public comment.

Diane Jones directed a question specifically to Dennis Berganaky regarding his attendance at the Zoning Commission meeting and whether Mr. Bergansky voted or abstained from voting on this proposed amendment at that meeting?

Mr. Bergansky indicated that he abstained and that he always abstains regarding Auburn Township.

Mr. Van Hyning indicated that the definition had already been clarified to include bars/restaurants.

Diane Jones inquired about the use of the word "shall" instead of "may".

Mr. Van Hyning questioned what was being referred to.

Mrs. Jones explained that in general so many things in the Township are regulated with conditional uses and how much does that change limit individual property rights.

Mr. Hyning commented that in general "shall" is used to indicate if something is required and "may" if it is at the discretion of the business owner and he noted that without specific passages that is all that can be discussed.

Mrs. Jones also asked "how much have you considered the language around this, in considering taking of a property legally?"

Mr. Van Hyning commented that he did not know.

A discussion took place regarding the notes Mr. Bergansky took at the Planning Commission meeting, it was noted that since they were not included in the PC's letter, the notes were a moot point.

There were no further comments.

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A copy of the letter from the Planning Commission will be placed in the Amendment file for ZC-2025-02.

Motion by Dennis Bergansky to close the public hearing for ZC-2025-02. The motion was seconded by Scott Brockman. Vote: Brockman, yes; Pulsford, yes; Van Hyning, yes; Bergansky, yes; and Lackey, yes. The motion passed.

A copy of sign-in sheet for this hearing is in the permanent file for ZC-2025-02.

The proceedings moved on to the next Public Hearing.

Minutes submitted by

Sarah Mulleman, ZC Secretary

Minutes Approved on:

August 28, 2025

Ted Van Hyning, Chairman