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

Held 11010 Washington Street October 14, 2025 20 1

MEMBERS PRESENT: BRIAN STEWART, MICHAEL VARLEY, LEWIS TOMSIC, BEN TIMMONS

MEMBER ABSENT: DAVID PARKER. ROBERT FORD, DOUG HOGAN

MEMBERS HEARING THE CASE: BRIAN STEWART, MICHAEL VARLEY, LEWIS TOMSIC, BEN TIMMONS

CASE FILE: The case file for BZA-2025-07v is included as part of the official record, along with the Auburn Township Zoning Resolution

CASE: **BZA-2025-07v**--an appeal requesting a variance, submitted by **David Schumann,** from the Auburn Township Zoning Resolution, **Article 3.01(g) Fences and Landscaping: …fences…shall not exceed four feet (4') in height in an front yard…"** for a proposed six foot (6') high fence located at **18660 Ravenna Road, Auburn Township OH 44023** in an R-1 zoning district.

The meeting was called to order by Acting Chairman Brian Stewart.

Roll call was taken with the following members present: Lewis Tomsic, Ben Timmons, Brian Stewart, and Michael Varley

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

The Pledge of Allegiance was recited.

Mr. Stewart verified that everyone in the attendance had signed in.

Mr. Stewart swore everyone in who was planning on testifying.

Mr. Stewart 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. Stewart commented that the official record for this meeting will be the minutes by the Board of Zoning Appeals Secretary. Mr. Stewart also noted that part of the official record, is the case file for BZA-2025-07v and the Auburn Township Zoning Resolution.

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

BZA-2025-07v--an appeal requesting a variance, submitted by David Schumann, from the Auburn Township Zoning Resolution, Article 3.01(g) Fences and Landscaping: …fences…shall not exceed four feet (4') in height in an front yard…" for a proposed six foot (6') high fence located at 18660 Ravenna Road, Auburn Township OH 44023 in an R-1 zoning district.

The applicant was asked to present his case.

David Schumann introduced himself to the Board and indicated that he lives at 18600 Ravenna Road. He stated that he purchased this property seven (7) months ago from Bob and Mia Coulton. He explained that there is a lot of traffic that travels up and down Route 44 that creates excessive noise, so they are looking for a variance from 4' to 6' high fence since there are not a lot of trees for protection from noise.

He also explained that there is a safety concern with all the traffic and he feels that a board-on-board fence would help control the noise and also light pollution from the traffic, especially the vehicles travelling toward Bartholomew Road. He further commented that the lights are shining directly on their house from the traffic on Route 44.

He explained that he has had a meeting with Don Simpson from Auburn Fence Company and Mr. Simpson suggested the board-on-board fencing. He also commented that a 4' fence does not offer much for sound abatement. He also indicated that there is a public hunting area, with parking, across the street from their property and this hunting area adds to the Schumann's safety concern.

Mr. Schumann further explained that they will soften the proposed fence with landscaping in addition to pines.

Again he noted that 4' height for a fence does not offer much for sound abatement.

Frank Kitko, Auburn Township Zoning Inspector, indicated that the front structure [cottage] cannot be used as a dwelling, because it had been decommissioned.

Mr. Schumann explained that the front structure would remain a studio and used as an enrichment center. He indicated that there is a multi-generational family on the property and he wants the property to be safe and secure.

Mrs. Schumann also indicated that there are a lot of lights, and trucks with air brakes and other motor vehicles. She said it can be very scary and she feels unsafe. She indicated that they are planning to also put a gate across the driveway; and the gate will be aesthetically pleasing.

Mr. Schumann discussed the history of the house from 1827 when it was 110-acre farm, a sawmill, and dairy farm. He further commented that he applied for the variance because he wants a 6' high fence not 4'.

Lia Pagordec, 11600 Frostwood Drive, a contiguous property owner commented that they live on Frostwood Drive and the rear of their property abuts to the side of the Schulmann property.

She had concerns for the wildlife with the fencing issue, there is a lot of road kills and this may cause more accidents. She had a concern with people living in the front structure. She noted that people live without fencing before and she is opposed because of the wildlife. She also had concerns regarding the drainage that partially goes on their property and that their garden box is partially located on their property.

John Kaminski, 11595 Bartholomew Road, is located at the corner of Route 44 and Bartholomew Road, indicated that he did not see the drawing but questioned whether the split rail fence would stay up. A discussion took place. It was noted that the split rail fence would come down.

It was also noted that there would be fencing installed between the house and the barn. It was noted that Joe Gutkowsky had done a survey and there is a grey area on the survey on the south side of the property from the original property. It was explained that the monuments on Bartholomew seem to be off and the surveyor needed to do more research.

A random discussion took place regarding the rumble strips that were installed and how much louder the traffic noise is as a result of the rumble strips.

Chris Lynch, 11600 Frostwood indicated that Route 44 is a high traffic area and noted that a lot of trees could soften the noise issue.

Mr. Tomsic commented 100 pine trees could soften the noise but with trucks and jake breaks it is not going to work.

Mr. Stewart suggested a wooded buffer.

Tyler Macoli, 115880 Frostwood, indicated that his house is the second dwelling on the north side of Frostwood. He noted that the lights on Route 44 light up his living room and a barrier of some kind would be nice to keep the lights out of the house.

Frank Kitko indicated that the fence could help with the light pollution but fence would not be stopping noise.

Fire Chief John Phillips indicated that he has no issued getting equipment on location.

Mr. Stewart explained the voting options to Mr. Schumann since there were only four (4) members present at the meeting. Mr. Stewart explained that if there is a split decision, it would be considered a "no" vote. He explained that the meeting could be recessed until there are five (5) members present and the vote taken then.

Mr. Kitko again explained the right to appeal a decision to Common Pleas Court.

Mr. Schumann explained that they were not aware of the "ins and outs" of the property. He indicated that they are the "stewards" of the property and that it is an honor to be heard this evening regardless of the outcome. He indicated that they are improving the property even more than the incredible improvements that the Coltons did nineteen years ago.

A discussion took place regarding the Joe Gutkowsky survey and it was noted that however the research on that survey comes back, the Schmann's will do the right thing.

Motion by Ben Timmons to grant BZA-2025-07v--an appeal requesting a variance, submitted by David Schumann, from the Auburn Township Zoning Resolution, Article 3.01(g) Fences and Landscaping: …fences…shall not exceed four feet (4') in height in an front yard…" for a proposed six foot (6') high fence located at 18660 Ravenna Road, Auburn Township OH 44023 in an R-1 zoning district. The motion was seconded by Lewis Tomsic.

Vote: Tomsic, yes; Stewart, yes; Timmons, yes; and Varley, no. The motion passed.

Motion by Michael Varley to approve the meeting minutes from the September 16, 2025, meeting. The motion was seconded by Ben Timmons.

Vote: Tomsic, yes; Stewart, yes; Timmons, yes; and Varley, yes. The motion passed.

Motion by Brian Stewart to enter Executive Session for the purpose of considering the employment and compensation of a public employee pursuant to R.C. 121.22(G)(2). The motion was seconded by Lewis Tomsic.

Vote: Tomsic, yes; Stewart, yes; Timmons, yes; and Varley, yes. The motion passed.

Motion by Brian Stewart to invite into Executive Session the following: BZA Secretary Jane Hardy. The motion was seconded by Michael Varley.

Vote: Tomsic, yes; Stewart, yes; Timmons, yes; and Varley, yes. The motion passed.

Motion by Lew Tomsic to leave Executive Session. The motion was seconded by Michael Varley.

Vote: Tomsic, yes; Stewart, yes; Timmons, yes; and Varley, yes. The motion passed.

Motion by Brian Stewart to offer employment as the BZA Secretary to Allison Lesniak. The motion was seconded by Michael Varley.

Vote: Tomsic, yes; Stewart, yes; Timmons, yes; and Varley, yes. The motion passed.

A discussion took place regarding a back up offer.

Motion by Brian Stewart as backup, to offer employment as the BZA Secretary to Becky Holsopple, if the first offer is declined by Allison Lesniak. The motion was seconded by Michael Varley.

Vote: Tomsic, yes; Stewart, yes; Timmons, yes; and Varley, yes. The motion passed.

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11010 Washington Street

Held October 14, 2025 20 5

The next meeting will be November 4, 2025, if there is a case.

Motion by Lewis Tomsic to adjourn the meeting. The motion was seconded by Brian Stewart. Vote: Tomsic, yes; Stewart, yes; Timmons, yes; and Varley, yes. The motion passed.

The meeting was adjourned.

Minutes submitted by

Jane Hardy, BZA Secretary

Minutes Approved on:

November 4, 2025

Brian Stewart, Acting Chairman

final