AUBURN TOWNSHIP BOARD OF ZONING APPEALS-- REGULAR

RECORD OF PROCEEDINGS

Minutes of Auburn Township Administration Building Meeting

11010 Washington Street February 10, 2026 1

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

Held _____ 20 _____

MEMBERS PRESENT:	ROBERT FORD, BRIAN STEWART, LEWIS TOMSIC, MICHAEL VARLEY, BEN TIMMONS, MARC KOLANZ, JOHN NESI
MEMBERS ABSENT:	NONE
MEMBERS HEARING THE CASE:	ROBERT FORD, BRIAN STEWART, LEWIS TOMSIC, MICHAEL VARLEY, BEN TIMMONS
CASE FILE:	The case file for BZA-2026-01v is included as part of the official record, along with the Auburn Township Zoning Resolution
CASE:	**BZA-2026-01v—**an appeal requesting a variance, submitted by **Pete Insana**, from the Auburn Township Zoning Resolution, **Article 5.02(a)(2)a.—"Detached accessory buildings shall be located in side or rear yards at least fifteen feet (15') from the side or rear lot line or other building on the same lot."** At **17810 Bridge Creek Trail, Auburn Township, Ohio 44023** in an R-2 zoning district.

The meeting was called to order by Chairman Robert Ford.

Roll call was taken with the following members present Robert Ford, Brian Stewart, Lewis Tomsic, Michael Varley, Ben Timmons, Marc Kolanz, John Nesi

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

The Pledge of Allegiance was recited.

Mr. Ford verified that everyone in attendance had signed in.

Mr. Ford swore everyone who was planning on testifying.

Mr. 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 proceedings are relatively; 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 applicants 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 when 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 BZA-2026-01v and the Auburn Township Zoning Resolution.

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

BZA-2026-01v—an appeal requesting a variance, submitted by Pete Insana, from the Auburn Township Zoning Resolution, Article 5.02(a)(2)a.—"Detached accessory buildings shall be located in side or rear yards at least fifteen feet (15') from the side or rear lot line or other building on the same lot." At 17810 Bridge Creek Trail, Auburn Township, Ohio 44023 in an R-2 zoning district.

The applicant was asked to present his case.

Pete Insana introduced himself to the Board and indicated he lives at 9745 Cumberland and owns the property at 17810 Bridge Creek Trail. He bought the property in October 2025. He stated he is a rehabber. He buys, fixes up and sells property. He made the drawings for the property to help the contiguous property owner Francine Villanueva. He wants an easement granted for the property for up to five feet and cannot be granted an easement without an approved variance, it is a platted subdivision is on 3.17 acres.

Mr. Kolantz asked when the detached accessory building was built on contiguous property owner Francine Villanueva property, Francine Villanueva, 10713 Washington Street stated that she has lived there since 2005. The previous garage collapsed in 2010 and was constructed at the same size. A lean to was added to the structure, previously it was a fenced off area to keep her garbage cans It went from a twenty-seven-foot wide to a thirty-six-foot-wide structure. When they rebuilt, they thought they were in their property lines. It is over 1 foot, 14 inches.

Mr. Nesi stated the garage is on the scenic easement that was plotted in 1978.

Mr. Kitko, Zoning Inspector, believes that his former assistant Rick rebuilt the structure.

Mr. Stewart asked Mr. Insana if he wanted to keep his property and Mr. Insana stated that he doesn't want a part of the building.

Mr. Timmons stated that if down the road either property owner sells their property, they would need a variance and that future buyers would have to honor variance. The Planning Commission provides easement; The Scenic Easement supersedes variances/easements.

A discussion took place about the amount of easement needed so they could grant a variance,

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Held 20

Motion by Brian Stewart to grant 13 feet 6 inches for BZA-2026-01v—an appeal requesting a variance, submitted by Pete Insana, from the Auburn Township Zoning Resolution, Article 5.02(a)(2)a.—"Detached accessory buildings shall be located in side or rear yards at least fifteen feet (15') from the side or rear lot line or other building on the same lot." At 17810 Bridge Creek Trail, Auburn Township, Ohio 44023 in an R-2 zoning district. Michael Varley seconded the motion.

Vote: Ford, no; Stewart, yes; Tomsic, yes; Varley, yes; Timmons, yes, the motion passed.

The meeting continued to the next agenda item.

Minutes submitted by

Minutes Approved on: March 10, 2026

X

Allison Lesniak
BZA Secretary

X

Robert Ford
BZA Chairman

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

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

CASE **BZA-2026-02v**—an appeal requesting a variance, submitted by **Francine Villanueva**, from the Auburn Township Zoning Resolution, **Article5.02(a)(2)a.—"Detached accessory buildings shall be located in side or rear yards at least fifteen feet (15') from the side or rear lot line or other building on the same lot."** At **10713 Washington Street, Auburn Township, Ohio 44023** in an R-2 zoning district.

Francine Villanueva stated most of her case information has been brought up and reviewed with the previous case. Before the accessory building was rebuilt where the lean was contained her garbage cans and were really a fenced in area with a gate. So, the addition just included the fence and enclosed it. It was built by Geneva Pole Builders. This will require a fifteen-foot easement along the perimeter of the building.

Motion made by Brian Stewart to grant 15 feet variance for BZA-2026-02v—an appeal requesting a variance, submitted by Francine Villanueva, from the Auburn Township Zoning Resolution, Article 5.02(a)(2)a.—"Detached accessory buildings shall be located in side or rear yards at least fifteen feet (15') from the side or rear lot line or other building on the same lot." At 10713 Washington Street, Auburn Township, Ohio 44023 in an R-2 zoning district.

Vote: Ford, no; Stewart, yes; Tomsic, yes; Varley, yes; Timmons, yes, the motion passed.

Motion made by Robert Ford to approve meeting minutes from the January 13, 2026, meeting. Michael Varley seconded the motion.

Vote: Ford, yes; Stewart, yes; Tomsic, yes; Varley, yes; Timmons, yes, the motion passed.

The next meeting will be March 10, 2026, if there is a case.

Motion made by Robert Ford to adjourn the meeting. Brian Stewart seconded the motion

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

The meeting was adjourned.

Minutes submitted by

X

Allison Lesniak
BZA Secretary

Minutes Approved on: March 10, 2026

X

Robert Ford
BZA Chairman