

RECORD OF PROCEEDINGS

Minutes of

TOWNSHIP BOARD OF ZONING APPEALS—REGULAR

Meeting

Adam Hall

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

Held 11544 Washington Street January 14, 2020²⁰

MEMBERS PRESENT: ROBERT FORD, DOUG HOGAN, DAVID PARKER, LEWIS TOMSIC, BRIAN STEWART, MICHAEL VARLEY

MEMBER ABSENT: NONE

MEMBERS HEARING

THE CASE: Ford, Hogan, Parker, Stewart, Tomsic

DOCUMENTS

IN CASE FILE: See Case File

BZA-19-13c--a request for a conditional use certificate for **Flying Cages II LLC, Four Leaf, LLC, dba: Sun Valley**, for an event venue and party center at 10000 Edwards Lane, Auburn Township, OH 44023, in an R-1 zoning district.

The Auburn Township Board of Zoning Appeals meeting for Tuesday, January 14, 2020, was called to order by Chairman Brian Stewart at 7:04 PM.

Roll call was taken. Members present were ROBERT FORD, DOUG HOGAN, DAVID PARKER, LEWIS TOMSIC, BRIAN STEWART, MICHAEL VARLEY

The Pledge of Allegiance was led by Jane Hardy.

All potential witnesses were sworn in.

Chairman Brian Stewart also explained that this meeting was properly and legally advertised in a local publication and was listed on the Auburn Township website.

Mr. Stewart indicated that the official record of the proceedings tonight are the minutes taken by the Board of Zoning Appeals Secretary.

Mr. Stewart explained that he was going to read into the minutes an opening statement, which would give a brief overview of the functions of the Auburn Township Board of Zoning Appeals.

Mr. Stewart proceeded to read the opening statement.

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, appointed a 5 member Board of Zoning Appeals and 2 alternates. 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:

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All interested parties must be sworn in. The applicant will be asked to present evidence to support the requested appeal, the Board will ask question, 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 of 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.

BZA-19-13c--a request for a conditional use certificate for **Flying Cages II LLC, Four Leaf, LLC, dba: Sun Valley**, for an event venue and party center at 10000 Edwards Lane, Auburn Township, OH 44023, in an R-1 zoning district.

Mr. Stewart indicated that this first case, BZA-19-13c, is a legal non-conforming use in a residential district, and the applicants are asking for the conditional use permit to be issued to continue operating the business.

The applicant was asked to present his case.

Scott Jones introduced himself to the Board and indicated that he was the property Owner. He also introduced his partners Jennifer Hartman and Melissa Lopez. Mr. Jones explained that he and his partners do not want to change the current operation at Sun Valley, that they are going to continue the operation as it had been operated, except that they do not do catering.

The group will be specializing in weddings.

He explained that the facility is on a 25-acre parcel of property with two ponds.

He also commented that most of the business traffic would be on Saturday and Sundays.

He explained that Flying Cages II bought the facility and Four Leaf bought the business; and Four Leaf pays Flying Cages rent.

Mr. Stewart indicated that Sun Valley has been a nice place and wants to make sure, if there are any code issues that they be brought up to compliance.

Frank Kitko indicated that there are no code issues with the facility.

A discussion took place regarding the white picket fence on the north side of the main facility, the fish fries in the spring, and Thanksgiving dinner. A discussion also took place regarding the line of trees near Shawn Ballard's property at 10020 Edward Lane.

A discussion also took place regarding the sound system, interior music. Mr. Jones assured the neighbors that there will be nothing more sound-wise than what the previous owner, Peggy Secura had previously done.

Mr. Jones indicated that the facility will be a one-stop wedding shop. He further elaborated that there will be a bridal suite, so people could be arriving as early as 9:00 AM, but the venue rental will end by 11:00 PM. He also commented that there will be clean up time involved, after the events, between 11:30 PM and midnight and lights will be turned off at 1:00 AM. It will definitely be quite at 12:00 midnight.

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Held 11544 Washington Street January 14, 2020²⁰

Motion by Brian Stewart to grant BZA-19-13c--a request for a conditional use certificate for Flying Cages II LLC, Four Leaf, LLC, dba: Sun Valley, for an event venue and party center at 10000 Edwards Lane, Auburn Township, OH 44023, in an R-1 zoning district, with the following conditions:

1. If there is alcohol consumption on the site, sufficient security must be handled by the Geauga County Sheriff's Office.
2. Copy of occupancy permit supplied to the Auburn Township Zoning Inspector.
3. Noise, including music, shall not be excessive and will not exceed the permitted limit for the zoning district.
4. Approval from the Auburn Township Fire Department.
5. Approval from the Geauga County Health Department must be provided to the Zoning Inspector.
6. Any new lighting or replacement lighting will need to be full cut off, shine in a downward manner, and comply with the lighting requirements in the Auburn Township Zoning Resolution.
7. There will be a review of the conditions after one year of operations or sooner if there are any issues or problems.
8. Hours of operation will be 8:00 AM until 1:00 AM.

The motion was seconded by Lewis Tomsic. Vote: Parker, yes; Hogan, yes; Ford, yes; Stewart, yes; Tomsic, yes. Motion was granted.

Mr. Jones and his partners thanked the Board and left the meeting. There was a short recess and the Board proceeded to the next items on the agenda.

Minutes submitted by

Minutes Approved on:


Jane Hardy, BZA Secretary

February 11, 2020

Brian Stewart, Chairman