

RECORD OF PROCEEDINGS

1200

Minutes of TOWNSHIP BOARD OF ZONING APPEALS—REGULAR

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Adam Hall

Meeting

Form 6101

11455 Washington Street

February 9, 2021

Held

BZA-2021-01c

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

MEMBER ABSENT: NONE

MEMBERS HEARING

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

DOCUMENTS

IN CASE FILE: See Case File, the case file is included as part of the official record.. Including the Auburn Township Zoning Resolution

BZA-2021-01c—a request for a conditional use certificate for HRH Ventures LLC, Derek Hoch, for a recreational facility and party center located at 9945 Washington Street (01-119110, 01-119111, 01-119112, 01-119113) in a B1 zoning district, Auburn Township, Ohio 44023.

The meeting was called to order by Chairman Doug Hogan at 7:00 PM. Roll call was taken. All members were present. The Pledge of Allegiance was recited.

Mr. Hogan swore everyone in who was planning on testifying. In opening comments it was noted that the official record of the proceedings are the minutes taken by the secretary, the case file is part of the official record.

Mr. Hogan 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, 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:

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.

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The applicant was asked to present his case.

Mr. Hoch introduced himself to the Board members and indicated that he is a South Russell resident. He further explained that he just purchased Community B, located in the Rad Van business complex, from the previous owner who had been in operation for eight (8) years.

He testified that he closed on the deal on January 29, 2021. Mr. Hoch explained that there currently is a basketball court and party center at the location and his plans are to convert the party center part of the business into another sports area within the facility with turf. He explained that he is having no food, no alcohol, and no food service at the location. He is proposing basketball on the one side of the facility and a soccer/football/winter baseball on the other side.

He indicated that the renters let themselves into the facility. Mr. Hoch further explained that there is a lockbox with a combination and the renters are given the combination for to let themselves into the building. Mr. Hoch indicated that he does not provide any supervision for the building when the renters are there.

Fire Chief John Phillips explained to Mr. Hoch that he needs a master key, to access the building, and this master key needs to be kept in the Knox Box that is located on the building.

Mr. Tomsic asked if there was enough business for strictly a sports center since the former owner indicated that only 5% of her sales were from the sports side of the business. Mr. Hoch indicated that he felt he would be more successful with running both sides of the building as a sports facility.

Mr. Stewart asked what the hours of operation would be approximately. Mr. Hoch indicated that they have a group playing men's basketball on Fridays now from 8:30 PM until 11:30 PM and they are out of there by midnight. But the normal operation of the facility is approximately 3:30 PM until 7:30 PM.

There was a general discussion regarding the operation of the building.

Frank Kitko, Auburn Township Zoning Inspector, indicated that there have been no complaints regarding the complex.

Mr. Hoch had a small discussion with a contiguous property owner, who owns 9950 Washington, regarding the parking issue with the new owners of the Crash Center located in Bill Collins's building. It was noted that Mr. Radick took care of the parking issue and it has not been an issue since.

Mr. Hoch indicated that they normally do not have a lot of parking issues because parents usually "drop and go" the kids that use the facility during the 3:30 PM-7:30 PM timeframe. He did indicate that they might have some basketball camps and once the turf is installed the facility can also be used for baseball but with no pitching machines or batting cages. He also commented that the charge for the facility is \$65 an hour and the fee is reduced depending on the amount of time that it is rented for.

Mr. Parker asked when the turf would be installed. Mr. Hoch indicated that they had some mechanical things to do, i.e. covering the air conditioner in the ceiling, painting etc. He indicated that it would be probably two months, so the middle of May, that they can get started.

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BZA-2021-01c

Dr. Varley asked how the standard exits and emergency exits might be effected with the installation of the turf. Mr. Hoch indicated that all doors will remain operable as they are now. A discussion took place.

Mr. Kitko asked about supervisory staff for security on the premises. Mr. Hoch indicated that they have a security camera and the camera records to a hard drive, so that they can see what is going on at the facility.

Chief Phillips indicated that he will need the specification for the turf before the turf is installed.

Motion by Lewis Tomsic to grant a conditional use certificated for HRH Ventures LLC, Derek Hoch, for a recreational facility and party center located at 9945 Washington Street (01-119110, 01-119111, 01-119112, 01-119113) in a B1 zoning district, Auburn Township, Ohio 44023, with the following conditions:

1. Must comply with all Fire Department regulations, including sprinklers, if needed, Knox Box requirements and any other Health and Safety requirements from the Auburn Township Fire Department. A copy of the 2021 Fire Inspection report will be supplied to the Zoning Department.
2. Must comply with the Geauga County Building Department requirements, regarding. The current occupancy allows for 132 maximum occupants and was issued on July 18, 2013.
3. Noise, including music, will not exceed the permitted limit for the zoning district.
4. The business will comply with all aspects of the Auburn Township's Zoning Resolution, Article 3.02 (a) through (b).
5. If food service changes, approval from the GC Health Department must be obtained. Documentation to be supplied to the Zoning Inspector. Currently food service is not provided.
6. If there is alcohol consumption on the site, Community-B will arrange for a GC Deputy to be hired and present during that time. Currently alcohol is not going to be allowed on-site.
7. Security lighting will be maintained and continued. The security lighting is on timers and will continue to shine in a downward manner and comply with the lighting requirements in the AT Zoning Resolution.
8. There will be a review of the conditions after one (1) year from today's date, 2/19/2021, or sooner if there are any issues or problems, i.e. parking, addition of food services or any maintenance standard issues (3.02 ATZR).

The motion was seconded by Robert Ford. Vote: Parker, yes; Hogan, yes; Ford, yes; Tomsic, yes; and Stewart, yes. The motion passed.

Mr. Hoch thanked the Board and left the meeting.

Motion by Doug Hogan to approve the meeting minutes from January 5, 2021. The motion was seconded by Lewis Tomsic. Vote: Parker, yes; Hogan, yes; Ford, yes; Tomsic, yes; and Stewart, yes. The motion passed.

Motion by Doug Hogan to approve the meeting minutes from January 12, 2021. The motion was seconded by Lewis Tomsic. Vote: Parker, yes; Hogan, yes; Ford, yes; Tomsic, yes; and Stewart, yes. The motion passed.

The Board members read and signed the findings of fact for BZA-2020-07v.

Motion by Lewis Tomsic to approve the Findings of Fact for BZA-2020-07v. The motion was seconded by Doug Hogan. Vote: Parker, yes; Hogan, yes; Ford, yes; Tomsic, yes; and Stewart, yes. The motion passed.

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1206

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Under Miscellaneous—the next meeting will be March 9, 2021, tentatively there is a case.

An Electronic Deposit Form was distributed to all members. It was noted that the Board of Appeals members need to fill it out and return to the Township Fiscal Office, as the Board members are going to be paid electronically now. It was also noted that W-2s were sent out.

The latest amendment to the Auburn Township zoning resolution was distributed to all members to update their zoning resolution with.

Motion by David Parker to adjourn the meeting. The motion was seconded by Lewis Tomsic. Vote: Parker, yes; Hogan, yes; Ford, yes; Tomsic, yes; and Stewart, yes. The motion passed.

Minutes submitted by

Minutes Approved on:


Jane Hardy, BZA Secretary

March 9, 2021

Doug Hogan, Chairman