

RECORD OF PROCEEDINGS
TOWNSHIP BOARD OF ZONING APPEALS—REGULAR

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 644-224-3338 FORM NO. 10148

Adam Hall

Held 11455 Washington Street June 8, 2021
BZA-2021-012c 20

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

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 at the hearings.

Mr. Hogan also noted that the official record of the tonight's proceedings are the minutes recorded by the BZA Secretary and that 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, 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.

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Chairman Hogan commented that there was no old business on the agenda. He then moved on to new business.

The first item on the agenda under new business was:

BZA-2021-12c--a request for a conditional use certificate submitted by Clark and Michelle Miller, for automobile sales located at 10986 Washington Street, Auburn Township, Ohio 44023, in a B-1 zoning district.

Clark Miller apologized for Mrs. Miller being absent. He indicated that she had an emergency with her business and was not able to attend.

Clark Miller explained that he would be addressing his area of the building located at 10986 Washington Street. He testified that there is no mechanical work being done in the building that it is a "hangout", that the Geauga County records has it listed as a "garage"; but that he does do some car sales from the building.

He explained that he does not currently have a dealer's license issued by the State of Ohio; but that he does sell cars as a hobby from the building. Mr. Miller indicated that he has looked into applying for a dealer's license with the State of Ohio, but his hobby is not yet at that point. He also indicated that as part of the permitting process through the State, he would need an office setup at the building.

Mr. Hogan indicated that as the business develops it would be important that Mr. Miller complies with Article 3.01 of the Auburn Township Zoning Resolution. It was explained that this section of the resolution pertains to development standards.

Mr. Hogan asked if any of the Board of Appeal members had any questions.

Mr. Miller was asked about the groups of people they have at the building. Mr. Miller indicated that they do have friends with collector cars at the building.

Chief John Phillips indicated that Mr. Miller's part of the structure will have to meet current fire code, especially since there are groups of people meeting at the building and it is a commercial building, so it will need to meet the fire code for commercial buildings.

Chief Phillips also indicated that the participants at the car rallies cannot park along East Washington Street and also cannot park in the road right-of-way either. Mr. Hogan indicated that Mr. Miller should be providing security at the public events when there are a lot of people and especially if they are serving alcohol.

Mr. Miller indicated that usually it is just car friends that attend. He further explained that they are grilling outside and everyone who attends brings a side dish.

Mr. Hogan indicated that Mr. Miller would need to obtain an occupancy permit for that part of the building. Mr. Hogan also commented that if there happens to be any auto repairs being done on the property, that they needed to be conducted indoors and any cars stored outdoors need to be screened, and signage needs to be approved by the Zoning Department.

Mr. R. Ford commented that the church parking lot or the Adam Hall parking lot might be a better option for Mr. Millers' drive-in car shows.

Mr. Miller commented that they are planning on having their car shows located in the back of their building once the parking lot is finished.

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Clark Miller commented that they are planning that some of the car shows would have themes such as old exotic cars, golf carts.

Mr. Hogan asked if there were any comments from the public.

Karen Morse 17754 Washington and her brother Jack Blyle were present at the meeting and indicated that they are contiguous property owners to the Miller's property. Ms. Morse indicated that they have issues with the noise at the old Westover Building. Ms. Morse commented that the Lamborghini made the most noise, and that there are loud cars and motor cycles coming and going.

Ms. Morse also indicated that this request [for a conditional use permit] sounded like it was a "done deal". Ms. Morse also commented that she never received any notices of previous meetings held regarding any of the Miller's requests.

The Board of Zoning Appeals secretary confirmed that Ms. Morse's current address was the same address that was on file in the permanent record and indicated that a letter was mailed out.

Mr. Hogan also indicated that the BZA notification letters are sent to all contiguous property owners by first class mail. He also commented that legal notices are placed in local newspapers regarding all BZA meetings; in addition, all BZA meetings are advertised on the Auburn Township website.

Mr. Hogan indicated that the Township had done its duty and met the legal requirement with advertising for the meeting.

Frank Kitko commented on the noise levels at the Auburn/Washington intersection. Mr. Kitko explained that previous noise readings indicated that the Auburn Road/Washington Street intersection is the loudest area in the Township. He further explained that noise levels are determined by taking decimal readings over a 24 hour period. He also commented that there is a lot of truck traffic on both East Washington and Auburn Road.

Mr. Hogan indicated that not much can be done with noise but that the issue has been brought to Mr. Miller's attention. Clark Miller commented that he would be cognizant of the noise level at the car shows and respectful of his neighbors. He did indicate that as cars arrive and leave his property, he would have little control over that noise.

Jack Blyle commented that the Millers have done a beautiful job with the building.

Ms. Morse also indicated that she is disappointed in the Township with all the trucks that go banging through the intersection and that the Township should be doing something to slow down the cars on these roads.

It was explained to Ms. Morse that both Auburn Road and Washington Street are Geauga County roads and Auburn Township has no authority over these two roads.

There was no further comments or questions.

Motion by Lewis Tomsic to grant BZA-2021-12c--a request for a conditional use certificate submitted by Clark and Michelle Miller, for automobile sales located at 10986 Washington Street, Auburn Township, Ohio 44023, in a B-1 zoning district with the following restrictions:

1. Obtain an occupancy permit from the Geauga County Building Department for that portion of the building and a copy of the Occupancy Permit to be submitted to the Zoning Department.

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2. Fire Department Inspection required and copy of approval report submitted to the Zoning Department.
3. Must comply with Articles 5.03(l) 1 through 3 regarding auto sales, 3.02 Maintenance Standards and 3.01 Development standards of the Auburn Township Zoning Resolution.
4. Any auto repairs to be done indoors; outdoor vehicle storage must be screened.
5. Any additional signage/lighting must be approved by Zoning Department.
6. Car shows/crusin's/parties—parking to be kept out of the road right-of-way, preferably behind the building or in approved parking spaces on the property.
7. Security must be provided for traffic control for outdoor shows especially if alcohol is be served. Security to be provided by the Geauga County Sheriff's office.
8. Conditions will be reviewed after one (1) year or sooner, if needed.

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

The motion was granted.

The meeting continued to the next item on the agenda, BZA-2021-13v.

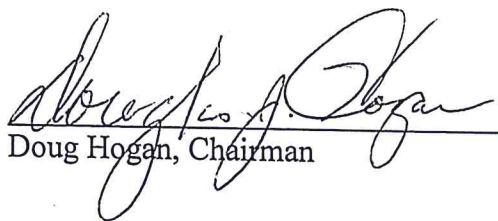
Minutes submitted by:

Minutes Approved on:



 Jane Hardy, BZA Secretary

July 6, 2021



 Doug Hogan, Chairman