

# RECORD OF PROCEEDINGS

Minutes of

## AUBURN TOWNSHIP BOARD OF ZONING APPEALS—SPECIAL

Meeting

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

### Auburn Township Administration Building

### 11010 Washington Street

### February 22, 2022

Held \_\_\_\_\_

### BZA-2022-02c

\_\_\_\_\_ 20 \_\_\_\_\_

**MEMBERS PRESENT:** ROBERT FORD, DOUG HOGAN, LEWIS TOMSIC, BRIAN STEWART, MICHAEL VARLEY, BEN TIMMONS

**MEMBER ABSENT:** DAVID PARKER

**MEMBERS HEARING**

**THE CASE:** Hogan, Tomsic, Stewart, Varley, 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-2022-02c**, a request for a conditional use certificate for SB Auto Mart LLC, Serguei Boloussov for automobile sales, located at 9899 Washington Street, Auburn Township, Ohio 44023 in a B1 zoning district.

The meeting was called to order by Chairman Doug Hogan at 7:00 PM.

The Pledge of Allegiance was recited.

Roll call was taken.

Members present were Doug Hogan, Brian Stewart, Robert Ford, Lewis Tomsic, Michael Varley and Ben Timmons.

Member absent was David Parker

Members hearing the case were Hogan, Stewart, Ford, Tomsic, and Varley.

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

Mr. Hogan noted that the official record for tonight's hearing are the minutes recorded by the Board of Zoning Appeals 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:



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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 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.

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

**BZA-2022-02c, a request for a conditional use certificate for SB Auto Mart LLC, Serguei Boloussov for automobile sales, located at 9899 Washington Street, Auburn Township, Ohio 44023 in a B1 zoning district.**

The applicant was asked to present their case.

Tony Suglia introduced himself to the Board. He explained that he is the owner of the property at 9899 Washington Street and one of the buildings is being leased to SB Auto Mart, LLC. He explained that he purchased the property from Ron Fuller. He further explained that Mr. Fuller, for thirty years, had his stainless business operating from the building and as part of that business he restored cars. He commented that there is 40,000 square feet up front in the building that will be perfect for a car sales indoor lot show room. He also noted that there is space for storage in the building and that this spot is perfect for a car sales business. Mr. Suglia wanted to be sure that the Conditional Use permit is issued.

Alex Boloussov introduced himself to the Board. He indicated that his family wants to open their car sales business in Auburn in Mr. Suglia's building. He indicated that the business will be operated by his family. He explained that his mother will work on the financing end of the business and his father, Serguei, will work on purchasing cars and closing deals on the sales of the cars; and his wife will also be at the business on a daily basis. He explained that his wife will handle the marketing end of the business, since a lot of the marketing will be done online over the internet. Mr. Boloussov explained that he has an auto repair business in Willowick, where all the auto repairs will take place.

He further explained that their business will not be setup like a "Tim Lally" type car business. He explained that all their cars will be indoors and that the marketing for the business will be done online since there is not much "foot traffic" in the area. He further commented that they will utilize 25,000 square feet indoor for displaying vehicles which will help in bad weather, so they are not plowing around cars outside and the cars can be viewed by customers easier when they are parked indoors. He further commented that this is a good location and will allow them to implement their business plan. He also explained that, for security purposes, most of the cars will be parked indoors to prevent the catalytic converters from being stolen.

Mr. Hogan verified that nothing would be parked on the north lawn near the road.



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Mr. Boloussov explained that the entire area was recently paved, that the cars will not be cleaned or repaired at this location; that all repairs will be done at his Willowick repair business. He also explained that when they obtain their cars, they will just drive them to his repair business, evaluate what needs to be done, make the necessary repairs to the vehicles and return them to Auburn; or they are dropped off from a tractor trailer and inspected on site.

Mr. Stewart summarized the operation by indicating that there is a showroom but they will focus on internet sales that his wife handles, and his father does the outside buying and sales of their cars.

Mr. Boloussov indicated that it is a tough time to be in the car business right now, but they are making their business work. A discussion took place. He also explained that they pretty much look for cars that are under 10 years of age, SUV's and mid-size cars in the price range from \$5,000 to \$15,000, which is what the current market dictates.

Ben Timmons asked if the business will involve having large car haulers loading and off loading the cars which could be problematic. Tony Suglia commented that if this were to be an issue, that there is plenty of room in the back of the buildings for the car hauler to park to unload. Mr. Boloussov indicated that sometimes a car hauler would be utilized but it would just be for a few cars to be unloaded.

Jane Hardy commented that Fire Chief John Phillips was not going to be available tonight for the meeting. Chief Phillips did indicate that the business had its fire inspection and has received its occupancy permit from the Geauga County Building Department.

It was noted that the business will utilize the existing sign that had been previously used from the previous business.

Frank Kitko, Auburn Township Zoning Inspector, indicated that the lighting needs to be full cut off lights and there is to be no loud speakers outside.

Brian Stewart inquired about if there were requirements for sprinklers, since it is a commercial building. It was noted that sprinklers are the Fire Department's responsibility and they can address the sprinklers if it is a requirement.

Tony Suglia commented that there are no underground tanks or storage tanks on the property.

A discussion took place regarding car rallies or other potential events on the property; and it was noted that if any events are planned, that they need to be approved by the Zoning Inspector.

There were no other questions or comments.

**Motion by Brian Stewart to grant BZA-2022- 02c, a request for a conditional use certificate for SB Auto Mart LLC, Serguei Boloussov for automobile sales, located at 9899 Washington Street, Auburn Township, Ohio 44023 in a B1 zoning district, with the following conditions:**

**Must comply with Article 5.03(1) (2) and (3) for Automobile Sales**

**Needs occupancy permit from the Geauga County Building Department.**

**Must have a Fire Department safety inspection and comply with all fire regulations, including sprinklers, if needed, Knox Box requirements and any other Health and Safety requirements.**



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**All wastewater shall be contained, treated, and/or recycled per Ohio E.P.A. standards and regulations**

**Auto repairs to be done indoors; outdoor vehicle storage and display shall comply with what is shown on the development plan.**

**Any additional signage and lighting shall be approved by Zoning Department. A zoning permit is needed for the temporary sign currently installed.**

**Lighting shall be full cut off, downward facing or shielded to avoid light trespass**

**There will be a review of the conditions after one (1) year from today's date, 2/2/22, or sooner if there are any issues or problems.**

**The motion was seconded by Michael Varley. Vote: Stewart, yes; Ford, yes; Varley, yes; Tomsic, yes; and Hogan, yes. The motion was passed.**

The 30-day appeal period was again explained to the applicants. It was noted that the appeal period was thirty days from the date that the meeting minutes would be approved. It was also explained that the meeting minutes for tonight's hearing would be approved at the March 8, 2022, Board of Zoning Appeals meeting.

The applicant asked for a copy of Article 5.03. It was explained that this information is on the Township's website under "Zoning Resolution". If there was a problem obtaining the information, the applicant was asked to contact the zoning office for assistance.

The applicant and his party left the meeting. The meeting moved on to the next item on the agenda. The Board members read the meeting minutes and findings of fact.

**Motion by Brian Stewart to approve the meeting minutes for BZA-2022-01v for Sean and Mary Whiteford. The motion was seconded by Doug Hogan. Vote: Timmons, yes; Varley, yes; Stewart, yes; and Hogan, yes. The motion passed.**

**Motion by Doug Hogan to approve the Findings of Fact for BZA-2022-01v for Sean and Mary Whiteford. The motion was seconded by Doug Hogan. Vote: Timmons, yes; Varley, yes; Stewart, yes; and Hogan, yes. The motion passed.**

The Board members signed the Findings of Facts.

Packets for the upcoming hearing were distributed to the Board members.

**Motion by Michael Varley to adjourn the meeting. The motion was seconded by Doug Hogan. By voice vote all members voted affirmatively. The motion passed.**

The meeting was adjourned.

Minutes submitted by

Minutes Approved on:

\_\_\_\_\_  
Jane Hardy, BZA Secretary

March 8, 2022

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Doug Hogan, Chairman