

AUBURN RECORD OF PROCEEDINGS—SPECIAL

Auburn Township Administration Building

1010 Washington Street

October 8, 2024

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Held

**BZA-2024-15 16 17c**

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**FINAL**

**MEMBERS PRESENT:**

BRIAN STEWART, MICHAEL VARLEY, ROBERT FORD, BEN TIMMONS

**MEMBER ABSENT:**

DAVID PARKER, DOUG HOGAN, LEWIS TOMSIC

**MEMBERS HEARING**

Stewart, Varley, Ford, Timmons

**THE CASE:**

**CASE FILE:**

The case file for BZA-2024-14c, 15c, 16c is included as part of the official record, along with the Auburn Township Zoning Resolution

**BZA-2024-15c**--a request to renew a conditional use certificate submitted by **Crash Champions, LLC**, for an auto repair garage (office/detailing) located at **9967 Washington Street**, Auburn Township, OH 44023, in a B-1 zoning district.

**BZA-2024-16c**--a request to renew a conditional use certificate submitted by **Crash Champions, LLC**, for an auto repair garage (body) located at **9935 Washington Street**, Auburn Township, OH 44023, in a B-1 zoning district.

**BZA-2024-17c**--a request to renew a conditional use certificate submitted by **Crash Champions, LLC**, for an auto repair garage (paint) located at **9921 Washington Street**, Auburn Township, OH 44023, in a B-1 zoning district.

The meeting was called to order by Chairman Robert Ford at 7:00 PM.

Roll call was taken.

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

Frank Kitko, Auburn Township Zoning Inspector; Jane Hardy, BZA Secretary were present. Fire Chief John Phillips was also present.

The Pledge of Allegiance was recited.

Mr. Ford welcomed Greg O'Brien and swore him in.

Chairman 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.*

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*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.*

Mr. Ford also commented that the official record of these proceedings will be the Board of Zoning Appeals meeting minutes and the case file for these cases are also part of the official record.

Mr. Ford noted that BZA-2024-13c under Old Business was still tabled.

The meeting moved on to new business, which were the following:

**BZA-2024-15c**--a request to renew a conditional use certificate submitted by **Crash Champions, LLC**, for an auto repair garage (office/detailing) located at **9967 Washington Street**, Auburn Township, OH 44023, in a B-1 zoning district.

**BZA-2024-16c**--a request to renew a conditional use certificate submitted by **Crash Champions, LLC**, for an auto repair garage (body) located at **9935 Washington Street**, Auburn Township, OH 44023, in a B-1 zoning district.

**BZA-2024-17c**--a request to renew a conditional use certificate submitted by **Crash Champions, LLC**, for an auto repair garage (paint) located at **9921 Washington Street**, Auburn Township, OH 44023, in a B-1 zoning district.

To identify the three (3) buildings at the Rad Van Complex, it was noted that **BZA-2024-15c, 9967 Washington Street**, was the structure that had the fire, was rebuilt and currently serves as the **office/detailing** building for Crash Champions.

**BZA-2024-16c, 9935 Washington Street**, is the building that houses Crash Champions' **Body Shop**.

**BZA-2024-17c, 9921 Washington Street**, is identified as the **Paint Shop**, which is the building located to the rear property line (south end) of the Rad Van complex. It was also noted that the Paint Shop location had not furnished the required Occupancy Permit, which was part of their requirement from the previous Conditional Use Permit.

Mr. O'Brien was asked to present the requests. Mr. O'Brien reintroduced himself to the Board members. He explained that he was under the impression that the items that were previously problematic issues with Crash Champions at the Rad Van complex have been abated.

He further commented that since everything has been abated that when the conditional use permits are approved and reissued for the three Crash Champions locations at the Rad Van Complex, he is hoping that the new conditional use permits could be issued for a longer period of time; hopefully, three (3) to five (5) years.

Mr. Ford asked Frank Kitko, Auburn Township Zoning Inspector, if there have been any issues or problems with Crash Champions at any of the three locations in the Rad Van business complex.



Mr. Kitko commented that he has done several inspections at the Rad Van complex. He has spoken directly to a representative from Rad V and they have not received any reported issues regarding Crash Champions. Mr. Kitko further commented that it appears that all the tenants that he had spoken to directly are happy and there have been no further issues with the parking problems as there had been. Based on this, Mr. Kitko indicated that it appears that everything is in good order.

Mr. O'Brien did comment that currently Crash Champions are using their own towing contractor who is aware of where cars need to be dropped and parked and he feels that using their own contractor has helped correct the previous problem.

There was no further comments or concerns.

Before making a motion, it was noted that each Conditional Use from Crash Champions' request would be treated as its own separate case; therefore, there will be three (3) separate motions.

**Motion by Brian Stewart to grant BZA-2024-15c--a request to renew a conditional use certificate submitted by Crash Champions, LLC, for an auto repair garage (office/detailing) located at 9967 Washington Street, Auburn Township, OH 44023, in a B-1 zoning district with the following conditions:**



1. Comply with Auburn Township Zoning Resolution, Article 5.03(j) regarding an Auto Repair Garage.
2. Repairs or servicing of vehicles shall be within completely enclosed buildings.
3. No more than three (3) vehicles per bay may be stored outside. Vehicles must be immediately stored in the area identified in the previously approved parking plan and screened from the ROW and adjacent lots.
4. No vehicle can be stored for more than twenty-one (21) consecutive days.
5. The repair/servicing of vehicles with a gross vehicle weight rating of 26,001 pounds or more shall be prohibited.
6. All storage of supplies shall be in a completely enclosed building.
7. Any new additional lighting shall comply with Article 4A.11 and be approved by the Auburn Township Zoning Department.
8. Any additional signage will require a permit and approved by the Auburn Township Zoning Department.
9. Comply with Auburn Township Zoning Resolution, Article 3.01 Development Standards; and Article 3.02 Maintenance Standards (including, the storage of flammable materials shall be prohibited, unless approved by the Township Fire Department and Ohio Fire Marshall; no use shall cause light trespass, no use shall emit noise which is objectionable beyond its lot lines).
10. The Auburn Township Zoning Department is to be supplied a copy of the current occupancy permit, from the Geauga County Building Department. (9967-dated 7/31/2023) [office/detailing].
11. Receive approval from the Auburn Township Volunteer Fire Department and a copy of the written report to be submitted to the Auburn Township Zoning Department.
12. The Conditional Use Permit will be reviewed after three (3) years or sooner, if there is an issue.
13. The site plan showing the previously approved additional parking to be used by Crash Champions will continue to be adhered to and is part of the official record.



The motion was seconded by Robert Ford.

**Note:** Stewart, yes; Varley, yes; Ford, yes; and Timmons, yes.

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The motion was granted.

Motion by Robert Ford to grant BZA-2024-16c--a request to renew a conditional use certificate submitted by Crash Champions, LLC, for an auto repair garage (body) located at 9935 Washington Street, Auburn Township, OH 44023, in a B-1 zoning district, with the following conditions:

1. Comply with Auburn Township Zoning Resolution, Article 5.03(j) regarding an Auto Repair Garage.
2. Repairs or servicing of vehicles shall be within completely enclosed buildings.
3. No more than three (3) vehicles per bay may be stored outside. Vehicles must be immediately stored in the area identified in the previously approved parking plan and screened from the ROW and adjacent lots.
4. No vehicle can be stored for more than twenty-one (21) consecutive days.
5. The repair/servicing of vehicles with a gross vehicle weight rating of 26,001 pounds or more shall be prohibited.
6. All storage of supplies shall be in a completely enclosed building.
7. Any new additional lighting shall comply with Article 4A.11 and be approved by the Auburn Township Zoning Department.
8. Any additional signage will require a permit and approved by the Auburn Township Zoning Department.
9. Comply with Auburn Township Zoning Resolution, Article 3.01 Development Standards; and Article 3.02 Maintenance Standards (including, the storage of flammable materials shall be prohibited, unless approved by the Township Fire Department and Ohio Fire Marshall; no use shall cause light trespass, no use shall emit noise which is objectionable beyond its lot lines).
10. The Auburn Township Zoning Department is to be supplied a copy of the current occupancy permit, from the Geauga County Building Department. (9935-dated 10/14/2021)
11. Receive approval from the Auburn Township Volunteer Fire Department and a copy of the written report to be submitted to the Auburn Township Zoning Department.
12. The Conditional Use Permit will be reviewed after three (3) years or sooner, if there is an issue.
13. The site plan showing the previously approved additional parking for Crash Champions use will continue to be adhered to and is part of the official record.

The motion was seconded by Ben Timmons.

Vote: Stewart, yes; Varley, yes; Ford, yes; and Timmons, yes.

The motion was granted.

Motion by Michael Varley to grant BZA-2024-17c--a request to renew a conditional use certificate submitted by Crash Champions, LLC, for an auto repair garage (paint) located at 9921 Washington Street, Auburn Township, OH 44023, in a B-1 zoning district with the following conditions:

1. Comply with Auburn Township Zoning Resolution, Article 5.03(j) regarding an Auto Repair Garage.
2. Repairs or servicing of vehicles shall be within completely enclosed buildings.
3. No more than three (3) vehicles per bay may be stored outside. Vehicles must be immediately stored in the area identified in the previously approved parking plan and screened from the ROW and adjacent lots.
4. No vehicle can be stored for more than twenty-one (21) consecutive days.
5. The repair/servicing of vehicles with a gross vehicle weight rating of 26,001 pounds or more shall be prohibited.
6. All storage of supplies shall be in a completely enclosed building.

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- 7. Any new additional lighting shall comply with Article 4A.11 and be approved by the Auburn Township Zoning Department.
- 8. Any additional signage will require a permit and approved by the Auburn Township Zoning Department.
- 9. Comply with Auburn Township Zoning Resolution, Article 3.01 Development Standards; and Article 3.02 Maintenance Standards (including, the storage of flammable materials shall be prohibited, unless approved by the Township Fire Department and Ohio Fire Marshall; no use shall cause light trespass, no use shall emit noise which is objectionable beyond its lot lines).
- 10. The Auburn Township Zoning Department is to be supplied a copy of the current occupancy permit, from the Geauga County Building Department. (9921).
- 11. Receive approval from the Auburn Township Volunteer Fire Department and a copy of the written report to be submitted to the Auburn Township Zoning Department.
- 12. The Conditional Use Permit will be reviewed after three (3) years or sooner, if there is an issue.
- 13. The previously approved site plan showing the additional parking to be used by Crash Champions will continue to be adhered to and is part of the official record.

The motion was seconded by Ben Timmons.

Vote: Stewart, yes; Varley, yes; Ford, yes; and Timmons, yes.

The motion was granted.

Mr. O'Brien thanked the Board.

Motion by Brian Stewart to approve the meeting minutes from the October 1, 2024, meeting. The motion was seconded by Robert Ford. Vote: Stewart, yes; Ford, yes; Varley, yes; and Timmons, yes. The motion was granted.

Zoning Inspector, Frank Kitko wanted to clarify some of the statements that were made at the October 1, 2024, meeting for BZA-2024-13c. Mr. Kitko gave a brief overview of why there is not a restaurant at the Westover Building. Other clarifications were discussed.

Next meeting will be November 12, 2024.

Motion by Michael Varley to adjourn the meeting. The motion was seconded by Ben Timmons. Vote: Stewart, yes; Ford, yes; Varley, yes; and Timmons, yes. The motion was granted.

The meeting was adjourned.

Minutes submitted by

Minutes Approved on:

Jane Hardy, BZA Secretary

November 12, 2024

Robert Ford, Chairman