RECORD OF PROCEEDINGS

Minutes of AUBURN TOWNSHIP BOARD OF ZONING APPEALS—REGULAR Meeting

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

Held Auburn Township Administration Building, 11010 Washington Street, August 16, 2022 1 20

~~BZA-2022-07c~~

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

MEMBER ABSENT: DAVID PARKER, LEWIS TOMSIC

MEMBERS HEARING THE CASE: Hogan, Stewart, Ford, Varley, Timmons

CASE FILE: The case file is included as part of the official record, and also includes the Auburn Township Zoning Resolution

BZA-2022-07c, a request for a conditional use certificate for Crash Champions, LLC for an Auto Repair Garage located at 9921 Washington Street, Auburn Township, Ohio 44023, (Unit A4, 01-118781; Unit A5, 01-118782; and Unit A6, 01-118783) in a B1 zoning district.

The meeting was called to order by Chairman Doug Hogan.

The Pledge of Allegiance was recited.

Mr. Hogan swore everyone in who was going to testify at any of the cases to be heard tonight.

Chairman 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.

As noted on the agenda, Mr. Hogan confirmed that the official record for this hearing (BZA-2022-07c) are the minutes recorded by the Board of Zoning Appeals Secretary and that the case file and the Auburn Township Zoning Resolution are part of the official record.

It was noted that Crash Champions is here for a conditional use permit for one of their buildings located at 9921 Washington in the Rad Van business complex. This particular building is being leased by Crash Champions from Bill Collins and the use of the building is being changed.

Crash Champions was asked to present the case.

Greg O'Brien, counsel for Crash Champions, introduced himself to the Board. Mr. O'Brien indicated that he is an attorney with Taft, Stettinius & Hollister, LLP and his business address is 200 Public Square, #3500, Cleveland OH 44144. He also indicated that he is a Bainbridge Township resident.

Mr. O'Brien explained that his firm was just given the case the evening before the meeting.

Mr. O'Brien was asked to provide a letter of authorization from Crash Champions authorizing him to represent them.

Mr. O'Brien commented that he spent the afternoon at the Rad Van complex, so he could be brought up to speed about the scope of work that Crash Champions was involved in. He explained that he was aware that the current case would be addressing 9921 Washington and that the 9921 building was being converted into their automotive paint building.

He further explained that the offices for Crash Champions would be located in the 9967 Building and that building will be reconstructed since it was destroyed by fire. A discussion took place regarding the fire. He also commented that Crash Champions actually owns the 9967 building at the Rad Van Complex.

Mr. O'Brien further noted that the 9935 building will continue to be the Crash Champions Body Shop.

Mr. O'Brien explained that he was made aware that parking at the Rad Van complex is a challenge and that the Township requested a definitive parking plan showing the parking that was exclusive for Crash Champion's use.

Mr. O'Brien submitted a parking plan that showed the definitive areas that the three (3) Crash Champion buildings would be allowed to park in. The map is in the case file. The marked green areas on the map are reserved exclusively for the Crash Champions' business use. The identified red areas on the map are where no parking is allowed and is reserved for tow truck drivers to drop cars off during the night. Mr. O'Brien did explain that the traffic pattern allows for tow trucks accessing the property to drop off cars that needed servicing.

Frank Kitko, Auburn Township Zoning Inspector, commented that when the Rad Van complex was built, there was sufficient parking. Mr. Kitko further explained that over the years, the uses in the buildings have changed and these new uses are requiring more parking and that is why parking has now become a problem. Mr. Kitko further commented that that is why he is hoping something can be worked out with the neighboring Pond Ice Rink for a more permanent solution.

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It was explained that Crash Champions has a temporary lease agreement with The Pond Ice Rink for the use of some of the parking at their location. It was also noted that a temporary staircase from the east side of the Rad Van complex to the west side of the Pond's property has been built for access to this temporary parking area.

Mr. Kitko also commented that the proposed parking area that is shown on the parking plan that Mr. O'Brien presented that is located between the Paint Building (9921 Washington) and the west property line might not be able to be used for parking. Mr. Kitko indicated that there are setback requirements from the identified parking area to the property lines and that this area would need to be researched further to see if it was compliant.

Mr. O'Brien indicated that when the renovation projects in the Crash Champions are completed and the temporary trailer is removed from the property that will free up 10 to 11 parking spaces. He commented that it was his understanding that the temporary trailer would be removed in four (4) to eight (8) weeks. A discussion took place.

Mr. Stewart commented that after driving through the Rad Van complex, that the demolished vehicles that are parked there should be located to the rear of the complex, so that when you drive in, that is not the first thing that is seen.

A discussion took place regarding adding fire alarms to the Crash Champions buildings at the Rad Van Complex. Fire Chief John Phillips indicated that he wanted to have fire alarms installed in the 9921 building. A discussion took place regarding the fact that the building was being leased. Chief Phillips indicated that the alarm system would notify the fire department via a two-way out line. Chief Phillips explained that depending on the location within the building it could be a smoke or heat alarm; i.e. the bay areas would be heat detectors and the office areas would be smoke detectors.

There was no further questions or comments.

The conditions for the use permit were discussed.

Motion by Doug Hogan, seconded by Brian Stewart to grant BZA-2021-09c,--a request for a conditional use certificate submitted by Crash Champions, LLC, for an auto body repair garage located at 9921 Washington Street, Auburn Township, OH 44023, (Unit A4, 01-118781; Unit A5, 01-118782; and Unit A6, 01-118783) in the 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. **Any new additional lighting shall comply with Article 4A.11 and be approved by the Auburn Township Zoning Department.**
3. **Any additional signage will require a permit and approved by the Auburn Township Zoning Department.**
4. **Comply with Auburn Township Zoning Resolution, Article 3.01 Development Standards; and Article 3.02 Maintenance Standards.**
5. **The Auburn Township Zoning Department is to be supplied a copy of the current occupancy permit, from the Geauga County Building Department for the new use and renovations at 9921 Washington.**
6. **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.**
7. **Per the Auburn Township Fire Department requirements, a fire alarm system is to be installed.**
8. **The Conditional Use Permit will be reviewed after one (1) year of operation in this building, or sooner if there is an issue.**

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Vote: Hogan, yes; Tomsic, yes; Stewart, yes; Varley, yes, and Ford, yes. The motion was approved.

Mr. O'Brien thanked the Board and left the meeting.

The meeting continued on to the next item on the agenda.

Minutes submitted by

Jane Hardy, BZA Secretary

Minutes Approved on:

September 13, 2022

Doug Hogan, Chairman