RECORD OF PROCEEDINGS
Minutes of AUBURN TOWNSHIP BOARD OF ZONING APPEALS—REGULAR Meeting
GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148
Auburn Township Administration Building
11010 Washington Street
Held ~~BZA-2024-03v~~ March 12, 2024 1 20

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

MEMBER ABSENT: DAVID PARKER

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

CASE FILE: The case file is included as part of the official record, along with the Auburn Township Zoning Resolution

The meeting continued to the next case on the agenda which was:

BZA-2024-03v--an appeal requesting a variance, submitted by Community Garden Supply, Ben Moidell, from the Auburn Township Zoning Resolution, Article 4A.05 (c)(1), Schedule of Uses, Retail Sales are Limited to "if it is manufactured on site" for retail sales located at 10155 Gottschalk Parkway, Unit #2 Auburn Township, Ohio 44023 in a I-1 zoning district.

Frank Kitko, Auburn Township Zoning Inspector and Jane Hardy, BZA Secretary were also present.

Mr. Ford re-verified that everyone who was planning on testifying was sworn in.

Ben Moidell, 15410 Dale Road, Chagrin Falls OH 44022 introduced himself to the Board of Zoning Appeals. He indicated that he represents Community Garden Supply, which is located at 10155 Gottschalk Parkway, Unit #2. Mr. Moidell indicated that he does retail sales in the I-1 zoning district and these retail sales also are for other special products. He further explained that at his location there is storage, warehousing and he does some manufacturing of his own blend of a planting material. As part of his business, he commented that he also assists, consults and educates his customers.

Mr. Moidell further elaborated on the fact that he serves the community through his consulting and education of his products. He commented that there are two offices in the front area at his location. He also reminded everyone that the Auburn community is an agricultural community.

Mr. Moidell explained that he has been in operation for six months at the current location with his retail sales. He also explained that his has a hemp processing license at 10185 Gottschalk where he has been operating for legally 3.5 years.

Mr. Ford asked if the products that he is selling is for the individuals that grow at home. Mr. Moidell indicated that at the current location that is what he is selling. He also indicated that his hemp research materials at 10185 Gottchalk cannot be sold and must be destroyed. Mr. Moidell indicated that he also sells his own non soil growing substance called Ben's Blend.

Mr. Moidell further commented that he hopes his establishment will also create jobs within the community.

A discussion took place regarding the actual state regulated marijuana growing facilities that are in Geauga and other local counties and how they are like Fort Knox and how visitors have to sign in and out and are escorted through the facility as a security measure. It was further explained that these facilities are to be fenced in with 2 strands of barbed wire around it, with high levels of security.

Mr. Moidell indicated that all his research material (hemp) must be destroyed and a photo sent to the State or it needs to be dowsed in bleach for his hemp related business.

Mr. Moidell indicated that his intent is to provide picks and shovels and provide educational information and again he envisions his business to create local jobs.

Mr. Ford asked Fire Chief John Phillips for a comment. Chief Phillips indicated that he has no objections to the operation.

Frank Kitko, Auburn Township Zoning Inspector, indicated that there was a change in zoning regarding retail sales in the I-1 Industrial District and it is now limited to "if the product was manufactured" on site.

It was noted that retail sales are currently permitted only in the B-1, B-1A, B-3 zoning districts.

A South Russell resident in attendance indicated that he supports Mr. Moidell because he had met him and liked the instructions he received regarding the soils to use and he prefers to spend his money locally and not support "big box" retailers.

Ed Gottschalk, Mr. Moidell's landlord indicated that Mr. Moidell runs a clean first-class operation and he has had no issues with Mr. Moidell.

Doug Hogan commented that these products are being allowed to be promoted to children and that is wrong.

A discussion took place regarding the I-1 Industrial District and why the retail change in zoning happened in approximately 2020.

A discussion took place regarding the grow lights that are being sold and their potential dangers and electrical usage.

There was no further comments or questions.

Motion by Doug Hogan to grant BZA-2024-03v--an appeal requesting a variance, submitted by Community Garden Supply, Ben Moidell, from the Auburn Township Zoning Resolution, Article 4A.05 (c)(1), Schedule of Uses, Retail Sales are Limited to "if it is manufactured on site" for retail sales located at 10155 Gottschalk Parkway, Unit #2 Auburn Township, Ohio 44023 in a I-1 zoning district.

The motion was seconded by Robert Ford.

Vote: Varley, no; Tomsic, yes; Hogan, no; Stewart, yes; and Ford, yes.

The motion was granted.

The appeals process was explained to Mr. Moidell.

Mr. Moidell also offered to hold a town hall meeting to educate and inform the public and the Township regarding this type of operation.

The next item on the agenda was "sign offs" and minute approval.

RECORD OF PROCEEDINGS

Minutes of AUBURN TOWNSHIP BOARD OF ZONING APPEALS—REGULAR Meeting

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

Auburn Township Administration Building
11010 Washington Street

Held ~~BZA-2024-03v~~ March 12, 2024 3 20

Motion by Robert Ford to approve the minutes for BZA-2023-09v, for Rick & Vickey Donley. The motion was seconded by Michael Varley.

Vote: Varley, yes; Tomsic, yes; Hogan, yes; Stewart, yes and Ford, yes.

Motion passed.

Motion by Lew Tomsic to approve the minutes for BZA-2024-01v, for Jeff & Shari Bailey. The motion was seconded by Robert Ford.

Vote: Varley, yes; Tomsic, yes; Hogan, yes; Stewart, yes and Ford, yes.

Motion passed.

Motion by Brian Stewart to approve the Findings of Facts for BZA-2024-01v, for Jeff & Shari Bailey. The motion was seconded by Robert Ford.

Vote: Varley, yes; Tomsic, yes; Hogan, yes; Stewart, yes and Ford, yes.

Motion passed.

Motion by Doug Hogan to approve the minutes for BZA-2024-02v, for Paul Colletti. The motion was seconded by Robert Ford.

Vote: Varley, yes; Tomsic, yes; Hogan, yes; Stewart, yes and Ford, yes.
Motion passed.

Motion by Lew Tomsic to approve the Findings of Facts for BZA-2024-02v, for Paul Colletti. The motion was seconded by Michael Varley.

Vote: Varley, yes; Tomsic, yes; Hogan, yes; Stewart, yes and Ford, yes.

Motion passed.

The next meeting will be April 9, 2024.

Motion by Robert Ford to adjourn the meeting.
The motion was seconded by Michael Varley.

Vote: Varley, yes; Tomsic, yes; Hogan, yes; Stewart, yes and Ford, yes.

Motion passed.

The meeting was adjourned.

Minutes submitted by

Jane Hardy, BZA Secretary

Minutes Approved on:

April 9, 2024

Robert Ford, Chairman