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 for BZA-2024-07v is included as part of the official record as is the Auburn Township Zoning Resolution

BZA-2024-07v--an appeal requesting a variance, submitted by James Reinart, American Wrap from the Auburn Township Zoning Resolution, Article 4.03(a) District and Main Uses: Lots and structures shall be used in compliance with Schedule 4.03(k). Only the permitted main uses defined in the Resolution and specified on the Schedule…shall be permitted in that district, for a commercial vinyl wrap and window tint business located at 18045 Cinnabar Trail, Auburn Township, Ohio 44023 in an R-2 zoning district.

The meeting proceeded to the next item on the agenda which was:

BZA-2024-07v--an appeal requesting a variance, submitted by James Reinart, American Wrap from the Auburn Township Zoning Resolution, Article 4.03(a) District and Main Uses: Lots and structures shall be used in compliance with Schedule 4.03(k). Only the permitted main uses defined in the Resolution and specified on the Schedule…shall be permitted in that district, for a commercial vinyl wrap and window tint business located at 18045 Cinnabar Trail, Auburn Township, Ohio 44023 in an R-2 zoning district.

Mr. Ford asked Mr. Reinart to present his case.

James Reinart introduced himself to the Board. He indicated that he is the Fleet Manager at Ganley in Aurora and has been with Ganley for twenty-five (25) years.

Mr. Reinart proceeded to explain what was now happening in the accessory building that is located on his property. He indicated that he is in a business relationship with Sanjay Parker and that he has a letter from Sanjay Parker that authorizes Mr. Reinart to represent the American Wrap franchise at this meeting. He explained that the American Wrap franchise is what is located on the Reinhart property. Mr. Reinart presented copies of the letter to Board members. It was noted that the letter will be placed in the permanent case file.

It was explained that even though the American Wrap franchise is owned by someone else, the fact remains that American Wrap is conducting business on the Reinhart property at 18045 Cinnabar Trail and ultimately is still Mr. Reinhart's responsibility.

Mr. Reinart proceeded to introduce Logan Aversa, 10255 Bartholomew Road, Auburn Township. Mr. Reinart explained that he had met Mr. Aversa through the Ganley of Aurora car business. He described Logan as a great kid, but working at Ganley was not his passion. He further commented that Logan has a super work ethic and as a result of Mr. Reinart's business relationship with Sanjay Parker, Logan Aversa had the opportunity to learn how to wrap cars and now the car wrapping activity has become Logan's new passion.

Mr. Reinart began to explain how his relationship with American Wrap is handled through two different non-profits, Mr. Reinart's non-profit and Sanjay Parker's non-profit.

Mr. Reinart also commented that the car wrapping process conducted on his property, in his opinion, does not create any noise and there is no additional traffic involved in the business. Mr. Reinart further explained that he just wanted to test the market for car wrapping and to have Logan get training for the car wrapping procedure.

Mr. Reinart indicated that the car wrapping business is done in a small area in his barn, about eight hundred (800) square feet. He stated that there is ample parking in the back of the Reinart property for this business. He testified that he does not want the business to become a nuisance and recognizes that they cannot do a ton of business in that area. He further indicated that he does not think that they currently are causing any problems. Mr. Reinart also indicated that to get Mr. Aversa more exposure in this business, he is introducing him to other dealers and getting him in the right area to be successful in the business venture.

When asked how old he was, Logan Aversa indicated that he was 21 years old.

Mr. Reinart again commented that the car wrapping procedure does not involve any noise and the materials used in the process come from 3M and are stored on site, at the Reinart's property.

It was further explained that since the business is owned by Sanjay Parker, Sanjay carries the insurance on the American Wrap work that is being done at the Reinart property. Mr. Reinart also commented that there are no actual customers for the business coming onto the property and the business is kept very "micro" and is a "by appointment only business."

Mr. Reinart again indicated that the American Wrap business is tied into a non-profit business that Sanjay Parker owns.

A discussion took place regarding Sanjay Parkers's personal business relationship with Ganley.

Mr. Reinart noted that Logan does not get any referrals through Ganley. He does do work through Stanley in Garrettsville and Oliver downtown Cleveland.

Logan Aversa indicated that he does not have a lease agreement for using the Reinart building and he acknowledged that the liability for the business falls directly on him.

Mr. Hogan explained to Logan Aversa that without a lease agreement for using the Reinart building that he [Logan] can be "thrown out" of the building at any time. Logan indicated that he understood.

Dr. Varley asked if the electric that is used, in that section of the accessory structure [the eight hundred (800 square feet)] is 240 volt and if there is water and a heater in the building? He also asked what the storage was in the picture that was presented. It was noted that Logan Aversa stores rolls of vinyl.

There were no further comments from Mr. Reinart, at this point.

Chairman Ford asked if there were any comments from contiguous property owners.

David and Marci Hess, 18025 Cinnabar Trail testified that their 2-acre parcel of property, where their home is built, is now located next to an auto body shop, which is a commercial use. Mr. Hess further testified that there are cars coming in and out all day long on the Reinart property. He also commented that the American Wrap business is advertised on the internet and it shows it located at the Reinart property and there is a web page and web site and "you can even see my house in the back of the pictures that are on the web."

He also commented that the Reinart's have already received a variance for the building for basketball court and now he wants another variance for this business.

Mr. Hess further testified that this commercial business located in his residential area is decreasing the value of all the homes on the street. He also commented that it is a quiet little street and the neighborhood does not want a commercial business located in it. He explained that no one wants to live next to an auto body shop.

Ira Zahner, 18000 Cinnabar Trail, indicated that he and his wife (who was also present) does not want a car business located on their residential road. He indicated that Mr. Reinart makes the business sound good; but the reality of it is, it is not.

Mr. Zahner further explained that it is a commercial business and it does not belong in their residential neighborhood. Mr. Zahner also testified that this business is dropping everyone's property values. He also noted that Mr. Reinart is storing boats and RVs on his property.

Mr. Reinart indicated that the boats and RVs are his personal property. Mr. Zahner indicated that the boats and RVs should be stored inside the building.

Mr. Hess also added that this activity is a commercial business and "plain and simple, that is what he is doing there."

A comment was made from the audience that the Township has already allowed Mr. Reinart to build the building and that this activity should not be allowed.

Brian Stewart clarified that Mr. Reinart was, as a property owner, legally allowed to build this structure. Mr. Stewart further explained that the previous variance that Mr. Reinart was given was to allow Mr. Reinart to build a 2' taller building; but the building itself was always allowed to be built.

Mr. Hess further commented that the Reinarts also have large events in the barn where people are parking on the road to attend the events and the parking on the road has become a safety issue.

Mr. Reinart commented that he is allowed to have a private party and it is no different than a neighbor who has their party and guests park on the road.

Mr. Ford continued the meeting by asking if there were any other comments from the audience.

Ronda Noble, 18020 Cinnabar, expressed her concerns that if the variance is granted, there is no guarantee that this business will stop, even though Mr. Reinart indicated that it is temporary. Ms. Nobel explained that with the variance the business could evolve into something more intrusive than it already is. Ms. Noble indicated that Logan seems like a wonderful person and she wished him well, but she is also very concerned how this commercial use will decrease the property values of the residential homes in the area.

A discussion took place between Mr. Reinart and his neighbors. Mr. Reinart commented that there, at the most, is only one or two cars daily at his barn. A neighbor disputed this indicating that there were six (6) cars there at one time, recently, that there is trash and traffic. Mr. Reinart indicated the cars are his children's friends and there was an increase in car traffic because his children did not have school and the kids came over to play and the cars were his children's friends.

Zoning Inspector Frank Kitko was absent from the meeting. In his absence, Mr. Ford asked if Mr. Kitko had submitted any comments that he wanted presented at the meeting. Assistant Zoning Inspector Jane Hardy indicated that Mr. Kitko had numerous issues with this activity.

Mr. Kitko's concerns were as follows: the business is a commercial activity in a residential area and is not a permitted use. Mr. Kitko was also concerned that the Reinart building has the public in it and the building was constructed as a residential accessory building, it was not built to commercial standards and was not inspected by the Building Department or the Fire Department for a commercial use and should not be used for any commercial activity. It was indicated that residential zoning districts are established for residential use only, not for commercial business.

Auburn Township Volunteer Fire Chief John Phillips testified that he also has health and safety concerns about the commercial activity in a residential area and that he was not in favor of what was being done there.

Mr. Ford also indicated that the area is not zoned for this type of commercial activity.

Mr. Reinart again explained that this is a training opportunity for Logan Aversa.

Mr. Hogan indicated that this variance would stay with the property forever and the Township cannot control its use with the current owner or future owners.

There was no further comments or questions.

Motion by Brian Stewart to grant BZA-2024-07v--an appeal requesting a variance, submitted by James Reinart, American Wrap from the Auburn Township Zoning Resolution, Article 4.03(a) District and Main Uses: Lots and structures shall be used in compliance with Schedule 4.03(k). Only the permitted main uses defined in the Resolution and specified on the Schedule…shall be permitted in that district, for a commercial vinyl wrap and window tint business located at 18045 Cinnabar Trail, Auburn Township, Ohio 44023 in an R-2 zoning district.

The motion was seconded by Lewis Tomsic.

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

The motion was denied.

Mr. Ford explained that the Board of Zoning Appeals' decision in this case will not be final until 30 days from the date that the meeting minutes are approved and that the minutes for this case, BZA-2024-07v, will be approved on May 14, 2024.

Mr. Ford moved on to the next item on the agenda.

The Board members read the minutes and Findings of Facts for BZA-2024-03v, Community Garden Supply.

There was no comments or corrections.

Motion by Robert Ford to approve the minutes for BZA-2024-03v for Community Garden Supply. The motion was seconded by Doug Hogan. Vote: Stewart, yes; Tomsic, yes; Hogan, yes; Ford, yes; and Varley, yes. The motion was granted.

Motion by Doug Hogan to approve the Findings of Facts for BZA-2024-03v for Community Garden Supply. The motion was seconded by Michael Varley. Vote: Stewart, yes; Tomsic, yes; Hogan, yes; Ford, yes; and Varley, yes. The motion was granted.

Motion by Lewis Tomsic to approve the minutes for BZA-2024-04v for Vince Lucarelli. The motion was seconded by Brian Stewart. Vote: Stewart, yes; Tomsic, yes; Hogan, yes; Ford, yes; and Varley, yes. The motion was granted.

Motion by Michael Varley to approve the Findings of Facts for BZA-2024-04v for Vince Lucarelli. The motion was seconded by Lewis Tomsic. Vote: Stewart, yes; Tomsic, yes; Hogan, yes; Ford, yes; and Varley, yes. The motion was granted.

Under miscellaneous, it was noted that the next meeting will be May 14, 2024.

There was no further comments or questions.

Motion by Robert Ford to adjourn the meeting. The motion was seconded by Doug Hogan. Vote: Stewart, yes; Tomsic, yes; Hogan, yes; Ford, yes; and Varley, yes. The motion was granted.

Minutes submitted by:

Minutes Approved on:

May 14, 2024

Jane Hardy, BZA Secretary

Robert Ford, Chairman