



BOARD OF BUILDING & ZONING APPEALS Meeting Minutes
March 23, 2022
6:30PM

BOARD OF ZONING APPEALS

Ed Kancler call to order the regularly scheduled meeting of the Board of Zoning Appeals for the City of Twinsburg at 6:30pm.

ROLL CALL

Present: Ed Kancler, Gary Wilner, Chris Griffith, Thomas Brown

Absent: Michael Jamison

Also Present: Keith Foulkes, Building Commission and Matthew Vazzana, City Law Director

The Board recited the Pledge of Allegiance.

WORK SESSION: Appeal # 02-2022

REGULAR MEETING:

APPROVAL OF MINUTES: February 23, 2022

MOTION: Motion presented to approve minutes for the February 23, 2022 BZA meeting. The Motion was seconded. Upon roll call, the motion passed unanimously.

Appeal #02-2022

- It is noted that the Building Commissioner has denied issuance of this permit.
- Mr. Vazzana, City Law Director stated that the Charter does grant the BZA the authority of appellant jurisdiction over decisions made by City Administrative Officers. The standard generally, is that tonight the BZA will hear Keith Foulkes testify explaining his decision and then the applicant will speak as to why they believe Mr. Foulkes decision was made in error. The committee will then decide whether to sustain and confirm the decision of the Mr. Foulkes or overturn it and accept the appellant's appeal that Mr. Foulkes decision was in error.
- Mr. Vazzana clarified the appeal and stated that earlier this year the Midwest Shooting Center submitted an application for a retail firearms operation and indoor shooting range. The City's Building Commissioner effectively denied the application in part. Mr. Foulkes found that the retail sales piece of the application

for business registration would fall under a principally permitted use that sporting goods district use, but he further determined that the indoor range component was not permitted in the City.

- Mr. Vazzana asked that all testimony be done under oath. This request also includes any public participation.
- There will be 10-30 days from the public hearing to issue a decision.

Participants were sworn in.

Appellants - Midwest Shooting Center presented:

- Matt Swinford, Midwest Shooting Center presented a power point overview. He began by detailing their business strategy, partners and investors.
- Their company is expecting approximately 250 employees by the end of this year.
- Each individual location has between 30-35 employees with an annual payroll of 1.2-1.4 million dollars.
- Employee turnover is less than 5%
- They routinely see approximately 2,000 visitors per location per week largely through the retail portion. They also visit the business through the training portion.
- All of their locations annually produce between 8-12 million dollars in revenue.
- Mr. Swinford presented images of existing Centers currently in operation.
- They do typically draw a customer base of a 50 mile radius.
- They are looking to integrate a shooting range component to support and bolster the retail aspect of the business. This allows them to provide options for the customers, training classes and firearm guidance.
- Mr. Swinford shared information and images of a Sylvania, Ohio location, which is located in a shopping mall sharing space with several other tenants.
- He shared the progression of MSC and that they recently received the NSSF 5 Star rating acknowledging as premier operators in the industry.

Appellants - Midwest Shooting Center presented points of appeal:

- Dave Sabo, Midwest Shooting Center discussed the legal support of this appeal. The primary use of the business is retail. The criteria use verses incidental use is not supported by how courts have judged matters here in Ohio.
- The zoning restrictions cannot be extended to include limitations, not clearly prescribed or defined.
- Mr. Sabo discussed how Mr. Foulkes based his decision on the principal use of the facility is shooting firearms as indicated in the name of the business. Additionally, the MSC sells memberships and provides training classes and that Mr. Foulkes felt indicates that retail sales in not the primary use.
- Mr. Sabo discussed in detail that the Ohio Legal precedent nor the Twinsburg Codified Ordinance Section 1105-01 supports the Commissioners decision of primary use and incidental use.
- Concluding, the property is zoned C3. Historic use of the building has been sporting goods retail. Retail is their primary use supported by the zoning code.

Midwest Shooting Center formally requested the Board overturn the Commissioners denial of the occupancy permit on the basis that sporting goods retail is the primary use and the shooting range is incidental to that primary use.

Mr. Keith Foulkes, City of Twinsburg Building Commissioner presented:

- The City received an application for business registration for the Midwest Shooting Center, located at 2695 Creekside Drive. After reviewing the application and all the information submitted by the Midwest Shooting Center he determined that only the retail of firearms and accessories sales portion of the business may be permitted at the site due to the fact that the firearms and/or firearms accessories sales may be considered sporting goods sales. Sporting good sales use is a permitted use in this C3 district. However, the proposed shooting range use is neither a permitted or a primary use nor a permitted accessory use. Specifically a shooting range use is not a listed permitted primary use in the district. It is also not a permitted accessory use because shooting range use is not clearly incidental and customarily related to a sporting goods or a firearms retail store.
- For the purpose of this hearing, Mr. Foulkes read into the record his findings as outlined in his letter dated February 24, 2022.

PUBLIC PARTICIPATION:

- The Owner of Brewster's Restaurant stated that he is not in favor of the Midwest Shooting Center occupying the proposed space.
- Melanie Delaney sent a letter stating she supports Mr. Foulkes decision.

MOTION: A motion was presented to affirm the denial of the permit from Mr. Keith Foulkes, Building Commissioner involving Midwest Shooting Center. Motion was seconded. Upon roll call, the Motion unanimously passed.

COMMUNICATIONS: None Presented

EXCUSE ABSENT MEMBERS: A motion to excuse Mr. Jamison was not presented.

ADJOURNMENT:

There being no further business to come before the Board of Zoning Appeals,

MOTION: A Motion was presented to adjourn the meeting. The Motion was seconded. The Motion was unanimously passed.

Ed Kancler, Chairman

Becky Thomas, Secretary