

***RAVENNA TOWNSHIP  
BOARD OF ZONING APPEALS***

*JEFF GAYNOR, CHAIRMAN, REMY ARNESS  
GARY LONG, DOROTHY GRIFFITHS, AND CLAIRE MOORE*

*6115 S. Spring St.  
Ravenna, Ohio 44266  
330-296-9616 phone  
330-297-1938 fax*

The Ravenna Township Board of Zoning Appeals met February 11, 2015 at 7:00p.m. at the Ravenna Township Trustee Meeting Room at 6115 S. Spring St., Ravenna, Ohio 44266.

Jeff called the meeting to order at 7:00.

Roll call was made with board members present: Jeff Gaynor, Remy Arness, Dorothy Griffiths, Gary Long, Claire Moore, and Carolyn Chambers, Zoning Secretary. Zoning Inspector, Jim DiPaola was absent. Record will show that we have a quorum.

Jeff: We have one item before us this evening and I am going to make an unusual side step here at the beginning and request a five minute conference among the board members. If you folks would excuse us for five minutes. If it goes longer that five start banging on the door.

Jeff: We are back in session at 7:05. Thank you for the delay. The application before us this evening is from Rose Friend. Also, I would like to make the point that in order to be recorded and in order to be part of the minutes, you have to be here right, in this area, so the microphone can pick you up. Folks making comments from the back of the room don't get into the record. So would you step forward please? Do you swear that the statement you make before this board are the truth? Your name and address please.

Ron: Ron Wilson, 164 Fairlane Drive, Ravenna Ohio

Jeff: Thank you and the nature of the application?

Ron: It is for the Circle K, as I understand it, for the changing of the sign at Cotton Corners. Is that correct?

Jeff: You need to be sworn in before your comments will be recorded. Do you swear that the statement that you are about to make before this board are the truth? State you name and address please.

Allison Racek, 935 East Tallmadge Ave. Akron, Ohio. I'm with Circle K.

Jeff: Thank you

Allison: The application is to keep the sign where it remains, the right of way is moving due to the road construction. Because of the sign location, we can't move it towards the sight, or else it would be to close to the canopy which would cause possible accidents within the sight. I have some pictures if you would like to see them.

Jeff: Yes, we would like to, is there anyone here from the State?

Allison: No, I ask if anyone was going to be here from the State and they said no.

Jeff: Because it is their right of way, what we want to do with it is kind of irrelevant, well not completely, but.

Allison: The first photo's shows where the road is going to be widened to in the purple and this is going to be the right of way on the edge there. (points to the photo) The next photo shows the bird's eye view of street view of what the sign is now and how close it is to the canopy at this point, it even has a picture of a delivery truck and how little space there is now and if the sign was... We can't move it in further, it's just not possible.

Jeff: Where is the sign in this overhead view?

Allison: It is right here (points to the photo) The new right of way line will be right here (points to the photo) between the purple and the yellow. If there was a truck with a trailer at that last pump it's going to come out almost to where the current sign is now.

Jeff: Ok, so what you would need from us is an ok from the Township that says you can leave the sign where it is, but you need something from the State to accept the sign in the right of way don't you?

Allison: The State has already agreed that we can keep the sign where it is at.

Jeff: Do you have anything in writing in that respect?

Allison: I have a copy of the bill of sale and I could send you a copy of the bill of sale, I could send you a copy if you want to see it.

Jeff: What was sold?

Allison: Well, I have just my documentation that says we were allowed to do that. (Looking through her papers for the agreement). The only thing that it does say is the owner shall remain in possession of the structure and improvement and all attached fixtures and equipment. That is my original, I can always send you a copy tomorrow. Their plans do show that the sign is marked the saved. (points to map, to show them where it is marked)

Jeff: Private sign marked save. That's what it says.

Gary: Are they moving that light pole?

Allison: There are moving the light pole, they are getting some money for light poles

Jeff: So if the sign needed to be moved, the state would pay for the moving?

Allison: They would pay us for the sign, they wouldn't pay us to move it. But, there is no other place for us to move it. Signage is extremely important for our business. We are a store of convenience and if people can't find us they're not going to go. If you live in the area that is great you know there is a Circle K there, but for anybody that doesn't we're a convenience store.

Gary: Did that say anything about them being allowed to set it in the right of way?

Jeff: No, it said they retain possession of the sign and the light poles and so forth. That is a concern, there are reasons why signs and etc. other structures are not allowed in the right of way. They state a need to expand in the future so they retain ownership to that and there are safety issues, especially at an intersection and I'm concerned about the Township creating an exposure if we say it's ok to leave the sign there and if somebody runs into the sign, somebody comes and says Jeff, you said they could put the sign there. I don't have anything that says that the state said it was ok.

Gary: Especially when our resolution specifically says that it is not allowed.

Jeff: Would you think you could get something from the state.

Allison: Yes, I believe I can.

Jeff: Ok, I'll ask you folks to step back for the moment and remember you are still under oath and I'll ask who else has something to say regarding this matter. Maybe no one does. Ok, questions comments from the board?

Claire: I agree with you, I would like to see something from the state.

Remy: Something official

Gary: I'll speak to Jim or Jeff will. After we receive this from the state that it's ok to go on the right of way, before we make a determination on this variance request, that we have conversation with the prosecutor because, I feel that if we grant the variance the way our resolution is written, even though the state approved it, and there is an accident, there is an element of responsibility and liability.

Jeff: This is something outside the norm and we ok'd it and somebody could come to us and say you should never ok'd this. In a very real sense they are accurate because, we don't have knowledge of safety issues and so forth. We don't have any studies that says how close to an intersection a sign can safely be and that sort of thing. If we don't have any other discussion the chair will entertain a motion to table this until the information from the state comes in.

Dorothy: I so move

Gary: I second that.

R/C: Remy Arness - yes, Claire Moore - yes, Gary Long - yes, Dorothy Griffith - yes, and Jeff Gaynor - yes.

Jeff: The motion is tabled for now, we need to see that information from the state.

Outside of this discussion I'd like to ask you if you have a relative named Jackie?

Allison: I do. (Conversation of her relative)

Jeff: Back to business, business relating to this application variance tonight is over, you can stay and watch us approve last meetings minutes and stuff like that or take off if you lie. Can we hang on to these?

Allison: Yes you can. Thank you

Jeff: We need to approve the minutes of the last meeting as presented to us.

Remy: I so move

Claire: I second

R/C: Dorothy Griffith - yes, Gary Long - yes, Claire Moore - yes, Jeff Gaynor - yes, and Remy Arness - yes.

Gary: I want to talk about new business. In today's discussion with Jim and Jeff. I have been thinking about other meeting that we have had and I was wondering if we should not take our, I know we are specific in our minutes when we journalize them and we can put stipulations in and so forth, but I was wondering if we should think about adding a line or two to the form that we use to journalize these cases. Make a statement to the effect that by approving this we are showing no malice or precedence.

Remy: Run it by legal?

Gary: Yes, because that is just like tonight if we would approved that and again if the state says it's ok

Remy: We need to have that in the record that the state says it's ok. I want to know where the sidewalk is going to go.

Gary: There can't be sidewalk

Remy: Because it doesn't make any sense.

Gary: The way that was shown, presented on the map and pictures that sign will set right in the middle of the right of way.

Remy: That means that road is going to be a foot off

Claire: Away from it.

Gary: My point here is as if the state says it's ok and we would happen to be forced into saying it is ok, even though it says differently in our resolution, like I mentioned to Jeff. Let's say the grass is planted and everything is nice and clean and everything is functioning really well and bang you've got an accident on that corner and that is where that sign is at on that right on the corner. If somebody gets hurt now what's the liability to us?

Jeff: Hopefully none. But, that doesn't mean somebody can't take us to court and find out that.

Gary: That is why I wanted to bring it to the group to see what you said and see what you think and then we will pursue it through Jim or Chris Meduri or whatever step we have to go.

Remy: It is in the right of way and the resolution says it is not to be in the right of way so

Jeff: There are reasons for that.

Claire: This is a serious issue, it could be a life or death situation it's not somebody wanting to have chickens.

Dorothy: If the state is superseding all of our regulations then they need to declare responsibility.

Jeff: Then all we did was agree with the state that it could be there.

Dorothy: I'm not sure that I agree with the state, but they are making me agree.

Gary: Dorothy, really since the meeting is just about over, the one thing that bothers me is that no one from the state is even here and it is their money that was spent.

Remy: That contract that she had, does not say the sign at all in it.

Gary: Correct

Remy: So how is that excluded that you get to keep it?

Dorothy: That is one of those weasely things, then they can say oh yea, sure.

Jeff: I'm not going to be pushed into any decision that I don't want to make. If worse comes to worse, next meeting when they come back with the information, we will just turn them down, if they take the township to court over it, then it is out of our hands at that point.

Remy: Talk to legal and see what they say.

Claire: Who will do that? Jim?

Gary: I don't think we really have to talk to anybody at this point other than if you folks agree that we need a one liner in here or two to release the Zoning Board of Appeals of legal responsibility then I think that should be in there.

Claire: But, will that be enough?

Gary: I don't know. That is a question that Chris has to answer.

Dorothy: Absolving ourselves of liability doesn't make it so.

Jeff: I think the best way we can reduce our liability is to turn them down and then if they take it to court it's out of our hands. I hate to see the Township spending the money to do that.

Remy: Let's run it by Chris

Jeff: Yea, lets see what he says first.

Remy: Let's give him a heads up on the information.

Jeff: I don't want to be blamed for something that isn't my fault.

Gary: It has to be worded....

Remy: Like this resolution attached has no intent of malice on the BZA members, using our best judgment within the letter of our charter or whatever, zoning code resolution.

Jeff: People get sued for just about anything these days.

Gary: It's not just you, its fact anymore.

Remy: If you leave one hole. Our book just simply says don't allow it and we allow it.

Claire: When is the construction starting, so we know?

Jeff: They have been out there measuring and marking so one assumes, early spring.

Carolyn: Isn't that why they pay their \$200.00 to go against the code?

Jeff: Yes, and there are a lot of times we give someone a variance that doesn't involve semi's and motorcycles going around corners usually.

Remy: You are talking hundreds of cars, rush hour.

Claire: That's a bad intersection anyway.

Remy: One mistake and who's liable for that sign being where it is? There is a light pole there but, that is an Odot light pole. To put a traffic light there that is their responsibility and I'm sure they have to follow their own rules and regulations placement of those.

Gary: See the State I'm assuming, I see this whole thing unraveling it's ok to put that sign in the right of way but, it's not ok to put that light pole in there? That is why I ask that question. They are moving it.

Remy: Yes, why are they leaving this sticking out in the intersection, but we will move all our stuff. You approved it to be in the right of way.

Jeff: Why were these other people here?

Gary: I can't answer that.

Carolyn: They were adjourning property owners.

Jeff: I know they were allowed to be here, but just curious as to whether we would pass it or not. Possibly they had something they want to move and wanted to go to the state.

Gary: I had a feeling that if we got down to where we were going to approve this they would have had something to say.

Remy: That's a big sign and it will take somebody out.

Jeff: They have a lot of area there, surely they could come with some other idea for a sign. I'm not going to take it on without some documentation and more information.

Gary: Even if it wasn't in the resolution any of us would be hard pressed to put anything in the right of way in the front of our house or anywhere.

Remy: We only allow temporary signs for events right? They're portable, they're small and if you hit it with your car, you'll survive, we are not allowing concrete and steel to be planted in the right of way forever and ever.

Jeff: Right inside that right hand turn there, I almost feel like letting them have it and wait for a semi to knock it down.

Gary: If you all read the resolution, it specifically says there is no signs in the right of way.

Remy: There is a reason for that.

Gary: Does the state override what we have to say?

Jeff: Yes, we can't supersede state law.

Gary: Even if our rule is more restrictive?

Jeff: I probably misstated the townships position on that. If our rule is more restricted than the states ours could apply I guess.

Remy: I would want to see a letter stating that they could stay there, not some contract which only covers some light fixtures.

Gary: I think it should be in writing and I think it should be signed by somebody that is official like an engineer. I would want a civil engineer to sign on that.

Remy: Someone is saying its ok where they put the sign. Then let them put their name on it and see where it goes.

Jeff: I did not mention to the lady that she should take that information to Jim, but she will probably figure that out.

Gary: I'm sure Jim will contact her. I'm sure the state has some kind of safety director. I can't believe the State Highway Patrol would allow this.

Remy: I want to see who signs this, because you are talking money verses lives.

Jeff: Jim seemed to tell Gary that it was the cost.

Jeff: The chair will entertain a motion to adjourn

Claire Moore made a motion to adjourn and Gary Long second it, meeting adjourned at 7:30 p.m.

Respectfully submitted by

Carolyn Chambers  
Zoning Secretary

CC: Trustees (3)  
BZA (5)  
Zoning Inspector  
File