

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

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

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

Chairman, Jeff Gaynor brought the meeting to order at 7:05 p.m.

Roll call was made with board members present: Jeff Gaynor, Remy Arness, Dorothy Griffith, Gary Long, Jim DiPaola, Zoning Inspector, and Carolyn Chambers, Zoning Secretary. Absent was Claire Moore. Thank you, the record will show that we have a quorum.

Jeff: We have one item on the agenda tonight the variance request 2015 BZA 01 for Mac Convenience stores because of the road construction the right of way will be moving and the Circle K sign cannot be relocated outside the new right of way. Circle K is requesting to keep the sign where it remains today. Is there a representative of Circle K here?

Yes,

Jeff: Do you have anything you would like to add to this, this evening?

No, not this evening

Jeff: Any comments, questions from the Board

Gary: I have one question, because of the map that I've received, I couldn't quite make out where the sign is right now, today, in relationship to the right of way. I'd like for you to show me that. Point that out on the map. I wanted to see where it's at now, mark it and then I want to see where the sign is intended to be and where the right of way will be. That's what I want to see.

Jeff: You had a big map that you ask for. You were sworn in at the last meeting is that accurate?

Yes, I was

Jeff: We will consider that applicable then. (Everyone looking at the map) would you state your name for the record please?

Sure, Allison Racek, with Circle K.

Jeff: Thank you. (everyone looking at the map and Allison is point out where the sign will be)

Gary: So you are saying that when the construction is finished that two thirds of the sign will be sitting in the right of way?

Allison: yes

Gary: Does everyone see that? Once again this is the right of way (pointing again to the map) you have answered my question.

Jeff: Any other comments or questions from the Board?

Dorothy: I would like to hear from Jim.

Jeff: Ok, Jim, we need you to state your name and position for the record please.

Jim: Jim DiPaola, I'm the Zoning Inspector for Ravenna Township.

Jeff: Thank you, you swear the statements you are about to make this evening are the truth?

Jim: I do.

Jeff: Thank you.

Jim: From the Zoning end of it, I'm not sure how far off the curb the new sign will set.

The dark line is the curb and it looks like, I'm not sure how far off the curb it sets.

Normally, anything we do at a State right of way, we tell people to keep it at least 10 feet from the curb. Then kind of let everybody else deal with the State, so if it's closer than 10 feet then I have an issue. If it's not, the only thing I have is the letter from the State. ODOT did not send me a letter that I requested to say to let me know if it was a problem to them or not to leave it there. The letter was just very evasive, it didn't say that it bothered them or didn't bother them, it just didn't say.

Jeff: It says the encroachment will not impact the construction of the project that's pretty much irrelevant as far as we're concerned, we don't care if it's in the way of their bulldozer or whatever they may be.

Jim: They didn't do what I ask them to do and that was on behalf of the Board too to let us know.

Gary: The other thing, and I may be wrong about this, but if you have a Federal, State and County rule of regulation law, if you will, and Ravenna Township rule regulation, law if more restrictive in my estimation is the one that prevails.

Jim: Normally, any of the dealings I have had with the State codes, it's the stricter of the code requirement.

Gary: The other thing that I have that bothers me, is hopefully it would never happen, but if there would be a traffic accident there that would end up as a fatality and someone probably a State Highway patrolman would say what is this sign doing here? The comment could be made well, the Ravenna Township BZA Ok'd that. I have problems with that.

Dorothy: Well, even if a fatality is not involved, any accident if people involved in the accident wish to hold somebody responsible.

Jim: The Township is not liable. The Township is not liable, because of the how the decisions are made. The Ohio Revised Code, and it's in your books in the administration part specifically says on how a Board of Zoning Appeals makes their decision. In no way shape or form does it say anything about liability. That doesn't come into fact. If there

was an issue as far as sight goes and the sign was blocking sight, then my office would have the issue with it, but the sign is up high enough that the only thing it's blocking any kind of sight would be the legs it is standing on and that is not an issue. It doesn't in our requirements as far as visibility it doesn't violate any of those requirements and as far and the liability goes, the Board does not have any liability on it as far as that aspect. These are your guidelines in the Ohio Revised guidelines as far you making your decision and that's what you go by.

Gary: Base on that, on chapter 10 on signs it would be sections 100.08 page 209 H. No signs shall be placed in any public right of way except publicity owned signs such as traffic control signs or directional signs.

Jeff: That's our basic guideline in this situation.

Jim: That's my guideline too, to put it on your table.

Jeff: And here it rest. Any other questions or comments from the Board?

Gary: I don't have anymore.

Remy: Did we hear from legal?

Jeff: Did we hear from legal?

Remy: Yes, we were going to pass that forward I thought.

Jim: As far as? The prosecutor looks at our Zoning Code before it's approved. So everything that's in there has gone before him and the only time the Prosecutor gets involved is if somebody challenges your decision and that's when the Prosecutor gets involved.

Dorothy: Are we of the opinion then that this will not be a hazard?

Jim: From my office, it's my opinion is that it's not a hazard.

Dorothy: Then I'm good.

Jim: I am very put off by the indifference by the State of Ohio, by ODOT

Jeff: Well, we will probably change their minds tonight as far as being indifferent. Chair is going to make a motion based on the fact that it's a little hard to tell where the sign is, but you say it will be in the right of way, our guidelines specifically state no sign shall be placed in any public right of way and we have nothing from the State indicating that they think it will be ok, we have a note about construction. I make a motion to deny the application.

Remy: Were we going to wait for further clarification from the State?

Jeff: This is it we got the further clarification, that's what they sent us. That it won't be in the way during construction.

Jim: The guy even called me on the phone and ask what are you looking for.

Allison: May I ask who called you?

Jim: The guys by the name of Huff

Allison: Oh, ok

Gary: A real estate administrator.

Jeff: We'll leave it to the State to decide where the sign should be. Do I have a second for my motion to deny the application?

Gary: I'll second it.

Jeff: Secretary take the vote please. Bear in mind the vote the motion is to deny the application R/C: Gary Long – yes, Dorothy Griffith – yes, Remy Arness – yes, and Jeff Gaynor – yes.

Jeff: Your application to keep the sign in its current location and end up in the right of way has been denied. There is an appeal period in which you can appeal and that's your decision.

Allison: Ok, thank you

Jeff: We don't very often turn anything down here do we? I just basically don't want to be part of it.

Gary: You know the way the sign is, this very moment, I do not think is a safe thing. Have you been out there it is sitting right in the road?

Jim: I am going to compose a change to the Zoning Commission when they meet on how far off the road the sign should be.

Jeff: We have a couple more things. I need a motion to approve or disapprove the minutes as presented to us from the previous meeting.

Dorothy: I so move

Gary: I second it

Jeff: Secretary take the vote please. R/C: Remy Arness – yes, Jeff Gaynor – yes, Dorothy Griffith – yes, and Gary Long – yes.

Jeff: We need a motion to journalize the decision we made this evening.

Gary: So move

Remy: I second that motion

Jeff: Secretary call the roll. R/C: Dorothy Griffith – yes, Gary Long – yes, Remy Arness – yes, and Jeff Gaynor – yes.

Dorothy: Where are all the people that were here last month? They did give up on it?

Gary: How many did we have? There had to be at least a half dozen or 8 here.

Jeff: We had a handful. They think the owners and there were a couple of neighbors

Gary: The people from the marine store was here.

Jeff: The chair will entertain a motion to adjourn.

Remy Arness made the motion to adjourn at 7:20 p.m.

Respectfully submitted by

Carolyn Chambers

Zoning Secretary

CC: Trustees (3)

BZA (5)

Zoning Inspector

File