

**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 October 14, 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 7:00 p.m.

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

Jeff: Is there any old business? No

Under new business we have a variance request for Gerald Haffner of 7635 Cooley Road, requesting a variance to construct a new 24'x50' building in addition to the 24x32 building and is also requesting a building to be located in the front yard. Is Mr. Haffner here?

Jim: No body from the application here and they were informed that they have to be here. You can act on it.

Gary: We can act on it based on the information we have?

Jim: It also references in the book under the requirement about the applicant attending.

Jeff: Ok, I didn't realize that, a car is coming up now. Are you Mr. Haffner? Ok, sign in please. Now that we are all here I would like to make it firmly well known that if you have something that needs to be entered into the record, pertinent information etc. you need to be seated here and sworn in, comments from the back of the room are meaningless, we get lots of them, and just serve to interrupt the proceedings here. Mr. Haffner would you come forward please? Swears in Mr. Haffner 7635 Cooley Rd Thank you, the nature of your request tonight is construct a second garage or accessory building as you say here that is exactly what it is. In front of the current building and in front of your house.

Mr. Haffner: Actually it's on the side of the house.

Jeff: No, it's in the front of the house. Let me rephrase that. It's in front of the house from a Zoning standpoint. If there were a line approximately parallel to the right of way of the highway and the front of your house that area is in front of the house.

Mr. Haffner: I will agree with that

Jeff: It doesn't mean that it is directly in line in front of the house, between the road and the house, but it is in the front yard area. We have a handful of questions and issues

about this building. Number 1-your plan here states that it is 40 feet from the center of the road. Zoning requirements are that it must be at least 50 feet from the right of way. I have that accurate, don't I Jim? When I say Jim I am questioning Jim DiPaola the Zoning Inspector. Jim has agreed that the 50 foot setback is what's required. The center of the road is sort of meaning less. Your property starts at the right of way and our book section 501.03 section E says the front back needs to be 50 feet. There are several reasons for that. Appearance is one of them, safety is another, the fact that one day perhaps the road may be enlarged and would be very, very close to your building at that point. Who knows if that is every going to happen, but one of the things that Zoning does is protect things down the road. Many times we have someone here say it doesn't matter if my house is too close to the side line, my Uncle lives next door. Your Uncle won't always live next door. So, Zoning protect individuals down the road a ways. Again 40 feet from the center of the road puts you, right of way is 50 feet out there isn't it? Usually it's 50, well even if it's 40 that only puts you 20 feet from the right of way and that is well under half of what our regs call for. I don't have something that tells me how tall the building is going to be, but it looks to be normal garage size height. Do you know that over all height of your purposed building?

Mr. Haffner: Probably about 14 foot

Jeff: Ok, we are well within the limit there. Section 501-06 C says no accessory building shall be located in the front yard area and that is what we were speaking about earlier. Section 610.3-A, it goes on and on. Does anyone else have anything to say feel free to jump in. Page 112 610.3-A 2A. Accessory one in all districts for lots up to 2 acres in size aggregate gross floor area shall not exceed 1200 sq. ft. well, we already have a building of 768 sq. ft. so adding 1200 puts you in the neighborhood of 60% over what would be normally allowed for that area. You do have less than 2 acres according to the map you gave us. Approximately how big is your house, give me an idea sq. footage?

Mr. Haffner: Probably about 2200.

Jeff: Ok, see section 610-3-B, one garage allowed 50% or less of the size of the dwelling, so we are over quite a bit on that respect also. Anything else from the Board at this point?

Gary: I have one question about the distance from the back corner, the back would be facing the house, would be the back right hand corner to the property line in the back. (pointing to map) The distance between the corner of your house and your property line right back here. What's that footage?

Gary: 42 feet?

Jeff: A lot of these dimensions don't add up

Mr. Haffner: Our builder says he deals with you guys quite often. That's why we went with him.

Jeff: Your property is 373 feet? We don't have this distance but we have 40 feet to the center feet of the road which is probably 20 feet from your property line 50 here makes 70, 16 here makes 86 another 24 here give me 110 to here. This is estimates, by the way when did you make this building?

Mr. Haffner: It was in 1981 or 82

Jeff: So if we come that 110 back to here should be 160, 180 or something, that still gives you 200 feet to your property line back here according to the plat map. This lady

has said its 42 and if we are going to take statements I need to swear you in please. This is what you were asking for Gary isn't it? Is that accurate?

Jeff: yea it angles

Gary: so this 42 foot is from the side lot, that's not what we are talking about? (Jeff and Gary looking at map and counting distance).

Jeff: The paper I'm looking at now is the Mock and Clark location service of the property in question, there is some dimensions on this it shows the front corner of the house is 151 feet from what appears to be the center line of the road, not the right of way, why they measured that, I don't know, because the right of way is the important figure.

Gary: The reason that I brought that question up is because of the way I looked at the map that was presented to us there is way over 100 feet in that back corner. Why would you not put that building back there?

Mr. Haffner: Our septic system set back in that area

Gary: That's over to the left that shows here according to your map.

Mr. Haffner: The bigger problem is we would have to cut a whole new driveway and the way we have it setup now it's sitting right on the concrete.

Claire: So that is your reason for not wanting it in the back is because you would have to put in a new driveway?

Mr. Haffner: We would have to cut all the way through the back. Exactly

Jeff: We are going to open the discussion further if you folks would take a seat. Does anybody else have anything you wish to say on this? Swears in Lori Cantor 7541 Cooley Rd. I'm next door to my Father's property and my sister and I own the property up again.

Jeff: Which way next door?

Lori: This is the house. (Points to map) toward 88. Just concerned that if the building is too close to the road it's a dangerous road people drive very fast down Cooley Rd. that it might impede some vision if it's right on the road.

Jeff: My thought was if they ever decide to widen the road which is who knows. That is one reason why zoning is here to make sure they are ok later on. Thank you anyone else. Swears in Patsy Artz, 6638 Peck Rd. Ravenna Township Trustee.

Jeff: Thank you nature of your comments this evening?

Patsy: I had a couple questions how big is his lot actually?

Jeff: Do you know the square footage of your lot

Clarrie: 1.63

Patsy: So it's a little bit over an acre and a half

Gary: Looks like 150 by 373 deep.

Jim: The auditors web site list it as 1.63

Patsy: There is already one, what is the existing size of the one already there?

Jeff: 768 Sq. Ft.

Jim: The size that I've got on the building permit is 816 sq. ft.

Jeff: You have a building permit form 1981?

Jim: From 1985 when the building was put up. Dave Turax issued the building permit for that.

Gary: 816

Jeff: Our Zoning says all districts where lots of two acres in size aggregate floor areas shall not exceed 1200 sq. ft. for the accessory buildings

Patsy: So it's already over the 1200 at this point?

Jeff: No, this is 768 if they were to build this building, this building in itself is the maximum allowed.

Patsy: So, we are already 600 over if you figure that. My only thinking then and being on the BZA for many years. It is a very nice area out there and every time, I can't even think of a time when we have allowed a building like that in front of a home. I think it is detrimental to the property owners and it will affect their property values as a Trustee and watching Zoning for many years. That is all I have to say.

Jeff: Thank you, anyone else wish to speak on this matter? Come forward please.

Swears in Richard Novak 7657 Cooley Rd. I am right next door. I am the property owner that the building is going to butt up to.

Jeff: Your comments this evening

Richard: I'm looking at it from two directions. Number one, it basically blind side the side of my driveway going out of drive itself, Right now I can go down my drive and about 40 feet before the end of my driveway I can kind of look up through the woods and see if any cars are coming. The road is very narrow and people go very fast down there. The second issue is I already have run off water problems with the other building, I'm getting erosion against my property and it's going to get nothing but worse. The way the property sits out there, it is kind of crowned and anything that comes off the roofs comes my way.

Jeff: Are these the photos that you submitted?

Richard: Yes, sir. I have already lost a good chunk of the yard right there by my drive.

Gary: Who's fence?

Richard: My fence. I'm not one to hum..... it is what it is. The property is the way it lays, clean gutters to catch water and move it away from my property that is one of the things that a property owner is responsible for and I don't see it happening and I just see my problems getting worse. There is already one building in front of the property and I just don't think it's going to be pleasing within the next couple of years I am planning on retiring and moving to Florida or something. I want the most I can get for my house not the least I can get for my house. That's it thank you.

Jeff: Swears in Linda Novak 7657 Cooley Rd. So you are the dog grooming business?

Linda: Yes, I am

Jeff: The nature of your comment?

Linda: I wanted to mention how much ice builds up on our driveway. They don't keep the gutters clean.

Jeff: In this building?

Linda: Yes, the one that's there now and they are extended further than what they should have been years ago when they put that building in.

Jeff: Zoning didn't exist at that time.

Jim: Zoning was 30 years ago and Zoning Inspector approved it and I have no idea what it was at that time.

Linda: Well, is there anything that can be done about these gutters than can be cleaned out?

Jim: That's not something we do.

Jeff: Whose fence is it?

Linda: It's their fence.

Jeff: It doesn't really matter that much. The fence has been there for some time.
Anything else?

Linda: No, I think that's it.

Jeff: Swears in Georgette Haffner 7635 Cooley Rd. Thank you. The nature of your comments now.

Georgette: We have a lot of classic cars, corvettes, mustangs, and people are coming and stealing stuff out of our cars and the police have been to our house and they said we should get the building and lock them up and they're rusting out there and they are worth a lot of money. They are from 1960 and we are getting the side of our cars keyed, they have stolen money out of our cars.

Claire: How many cars do you have out there?

Georgette: Like 14

Claire: Are they all licensed?

Georgette: Yes, they are old antique cars

Claire: In your narrative you said you need a variance for the size of the structure, because you have a motor home that needs to be put in storage our motor home is 40 feet long. The building you are purposing to build is 50 foot and then you also say we also have classic cars sitting outside that are valuable and they need to be stored along with the motor home. So if the motor home is 40 feet long and the building is only 50 feet long, how many cars are you going to get in there?

Mr. Haffner: We will have 5 or 6 along the motor home.

Georgette: The police have been to our house 3 times. People come up and say oh, these are really nice cars. We can't build it on the other side because our house is on a hill. It would be worse, it would just flood out the garage.

Gary: Can I ask what the elevation is from the back corner of your home to the back of your property in that 142 feet less call it level at your house and you go back to the back of your property, what's the.....

Georgette: Where the back of our property is it just drops down into the woods.

Gary: What's the elevation? 2 foot, 4 foot, 5 feet, 18 feet?

Mr. Haffner: About 5 feet.

Gary: About 5 feet.

Georgette: It just goes right down into the woods,

Jeff: If it is 5 as you say, that's hard to estimate.

Gary: 5 feet to 150 feet is not much.

Jeff: Anything else from the Board? Are we ready for a motion, do we need to take a short recess? What would you folks like to do?

Dorothy: I would like to take a short recess.

Jeff: Would you shut us down for 5 minutes please. I'm sorry, do you have a comment? You need to come forward please. Swears in George Cantor, 7575 Cooley Road, I'm just north of the property. I don't understand why anyone wants to put a 24x50 building in the front yard. It instantly devaluates the property in the neighborhood. He has to stop and think if he ever goes to sell his home, whose going to buy that house with a big building in a front yard?

Jeff: That is a valid point again that is one reason why Zoning is here.

George: Right, and I strongly object.

Jeff: Thank you. Now we'll take 5 minutes, we'll be back. I will call back this meeting and remind folks that they are sworn in that they are under oath still and I think the Board is ready for a motion. Based on the references that I sighted from the book, the front setback being very considerable less than it should be, the building in the front yard area which is specifically prohibited by our book. The size of the building creating an accessory building about 60% larger than allowed and comments from the neighbors or near byes, you are also over the 50% rule based on the size of your house. The building will be close enough to the road, that the visibility for the neighbors driveways impacted they are already having water damage from the existing building of 700 sq. ft. and a criteria that is not specifically written in the book, but something we all consider is how did this situation, this need for this variance arise? You created it, you already have all these cars it is not something that happened to you and that is a point also people need to find things out ahead of time, plan ahead etc., based on all these comments my motion is that we deny this application.

Dorothy: I will second it. R/C: Claire Moore - yes, Gary Long – yes, Dorothy Griffiths – yes, Remy Arness – yes, and Jeff Gaynor – yes. Motion passed

Jeff: The yes vote means that we have denied the application for your garage in this location. My suggestion would be explore other areas for the garage. Talk to your builder etc. That is pretty much it as far as the application is concerned, the Board has some business to care of that is open to the public but is in no particular need to see the approval of the minutes and various things like that. We need to do something that is called journalize the decision which is voting to put it in the books.

Everyone talking not recordable.....

Jeff: We need to journalize tonight decision. Do we have a motion to journalize?

Gary: I so move

Remy: Second

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

Jeff: We need a motion pertaining to the minute's pertaining to the September 23,2015 meeting.

Dorothy: I think they were wonderful, I move that we accept them as written.

Gary: I second

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

Jeff: Anything else anybody needs to bring up?

Gary: Did I hear earlier in the meeting something about the Circle K subject?

Jim: Yes, there are a few things I would like to bring up. Since this is Dorothy's last meeting, Thank you for the five years you have given us. Yes, the Circle K, the judge has kicked it back to the Board of Zoning Appeals. Since the State of Ohio finally wrote a letter pertaining to that right of way and the sign being in it. They wrote that in July.

Jeff: My official recommendation as far as that is concerned is that the Board pass it by. I'd rather we don't have any part of it. If the State thinks its ok, let it go.

Jim: Right now the judge has kicked it back into the BZA to hear it again, so you have to rehear it, that's the judge's rule.

Jeff: It doesn't mean I have to vote on it.

Jim: That's right, but you have to hear it. You have to hold a hearing so we have to send out all the notices again and represent everything, so you basically have to have a hearing all over again.

Jeff: What a ridiculous way to go about all of that.

Patsy: Is that where they want it in the right of way?

Gary: It's in the right of way now and when they readjust the roadway it'll be more, right now it's 1/3 in the right of way and when they are done it will be 2/3 in the right of way. If that's not a safety issue, I'll eat that clock.

Patsy: Is there any other properties that have the same situation there, Klaben or any of them, are their signs in the right of way too?

Jeff: I don't think so. The new Circle K, if they ever get around to building, is going to have somethings towards the new right of way. I mean Get Go

Patsy: It's like Speedway, why are they building a new building? Tearing down an old one, it is giving people jobs I guess.

Jim: At least they are building it in the Township. So that will be going out in the mail in another week or so and the hearing scheduled for the second Wednesday in November.

Jeff: Second Wednesday in November is Veterans Day the 11th.

Jim: Since most work days are closed on the 11th would you prefer to do that on the 12th.

Jeff: I will not be here, we are flying out on the 11th.

Gary: Well why don't we do it on the 4th then?

Jim: I've requested that the Prosecutor also be here.

Patsy: I do have a question about that, if in case, God forbid, an accident would happen because the sign is in 2/3 of the right of way and you have allowed that, can they come on the Board?

Gary: Prosecutor and Jim DiPaola said NO. But, I want to tell you what, if there is a fatality I'll almost bet you one or all of us will be questioned.

Jim: What is they name everybody and then you file something that says that we are not a party to it.

Gary: At whose expense?

Jim: What's that?

Gary: If we get into a situation like that

Jim: We already pay Chris Meduri to handle that

Patsy: So they sue each one of them individually and personally

Jim: They can't.

Gary: Ok, November 4th is the meeting. Will there be a representative from the Circle K her?

Jim: Yes, there will be.

Remy: I move we adjourn.

Jeff: Any apposed? We stand adjourned.

Meeting adjourned at 7:50 p.m.

Respectfully submitted by

Carolyn Chambers
Zoning Secretary

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