

**RAVENNA TOWNSHIP  
BOARD OF ZONING APPEALS**

*JEFF GAYNOR, CHAIRMAN, REMY ARNESS  
GARY LONG, JO ANN McEWEN, AND CLAIRE MOORE*

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The Ravenna Township Board of Zoning Appeals met April 13, 2016 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, JoAnn McEwen, Gary Long, Claire Moore, Jim DiPaola, Zoning Inspector, and Carolyn Chambers, Zoning Secretary.

Jeff: We have a couple items before the Board this evening and I would like to take what is listed as the second one new business first event and we would like to take care of it and let these folks get out of here if they would like to. Variance request 2016 BZA 04 Dennis and Stephanie Rummel. 4872 Lake Rockwell Road a request for a 10 yards setback to construct an accessory building that is attached to a residence. Are Mr. or Mrs. Rummel here? Would the spokesperson step forward or both of you may if you would like. Now as I always do, I'll prewise swearing in Mr. Rummel with this statement that you can bring a chair over here if you like. Only myself, the person sworn in and I'm going to swear in our Zoning Inspector soon, are the ones that are going to be recorded in the minutes. Comments from other folks, comments from the back of the room do not go into the minutes, if you have something that you need to say, wait your turn, get sworn in, we'll get it recorded and listen to what you have to say. Thank you Swear in Dennis William Rummel, address 4872 Lake Rockwell Road, Ravenna, Ohio 44266.

Jeff: What area of Lake Rockwell is this in?

Dennis: I am near Peck Road, about a quarter of a mile west of Peck Road.

Jeff: North

Dennis: Yes, right on the Shalersville Township boarder.

Jeff: The nature of your request is that you'd like to place a structure closer to the side line than would normally be allowed.

Dennis: Correct. You stated 10 yards, it is actually feet.

Jeff: You have a 60 foot long building now is this 170 foot dimension here pointing to the existing garage?

Dennis: This 170 foot here is pointing to the road.

Jeff: What is this bump out here?

Dennis: That is an existing road, correct sir.

Jeff: Your property is 125 feet wide. You would like to put up a 24x24 building and you only have 20 feet in which to place that.

Dennis: Correct

Jeff: The side yard setback would be 15 normally, is that accurate? The book would state that is a 15 foot dimension on the side yard. Particular use for the new garage?

Dennis: Vehicle storage

Jeff: It will be attached to the house? That is what your application said.

Dennis: Yes, sir

Jeff: A structure that compliments the structure of the house.

Dennis: Absolutely

Jeff: What would be immediately adjacent to this across the property line?

Dennis: My neighbor's home, his setback is probably 30 feet I believe from the property line and that is a quesstamation. I have spoken directly to him and he doesn't have a problem with me putting up a garage there and he couldn't make it tonight.

Jeff: One of the reasons for Zoning is I pointed out numerous times in the past is especially then someone comes in and says my Uncle lives next door, he won't mind. Your Uncle won't always live next door, this neighbor won't always be there, but if he is, as you say, 30 feet away and these lots are wide enough there certainly can be 25 on the other side. The concern is if you get to close to the property line, to close to other structures, fire department access and things like that becomes a question. Doesn't look like that is going to be a question here. Anybody else have anything to say about this?

JoAnn: I spoke to one of the neighbors about this and they said the homes are so far apart they didn't see what it would make any difference. It didn't make any difference to them so they said they didn't see what it would make any difference.

Jeff: Thank you

Gary: I have two things, you have a septic system and your well is behind your home?

Dennis: The well is in the front on the east side and the septic system is behind the home. The new structure, if it's approved, will not bother that in any way.

Jeff: Swears in Jim DiPaola, Zoning Inspector for Ravenna Township?

Gary: Jim this garage attachment that would be considered part of the existing structure and not an out building?

Jim: Correct

Gary: The reason I bring that up is because in your deed restrictions all out building have to be in back of the home. That's all I have Jeff.

Jeff: Any other question or comments from the Board?

Remy: Have you thought about extending your current garage back the 24x24?

Dennis: No, because the pitch in my roof it would take quite a lot more cost to do that, to join them. That's why I decided to go just a little bit further away and create a breezeway that is how it would be attached. An enclosed breezeway.

Remy: I meant directly behind it. Some people would have done like that and then you would have like a tandem four car garage.

Dennis: I see what you are saying here and the problem I have here. I have a fenced in area and I have my propane tank here the lines running through here and directly behind that probably 30 feet from the home is the septic field. The reason I would not care to go back this far, it's very wet, there is a natural run off out there and to build a structure in

that area I would have to bring in a lot of fill. I would like to keep it closer to my home if possible.

Jeff: So if you put 4 feet for the breezeway that give you 10 to the property line with a 20 foot structure.

Dennis: I think it is 10 foot 3.

Jeff: Any other questions, comments? Chair will entertain a motion pertaining to this application.

Gary: I move that we approve the variance 2016 BZA 04 to construct the addition garage with a 10 foot side yard setback.

Joann: I second it R/C: Claire Moore – yes, Gary Long – yes, Joann McEwen – yes, Remy Arness – yes, and Jeff Gaynor – yes.

Jeff: Your request has been approved. There is an appeal period in which interested parties could file an appeal pertaining to this and any actions taken by you during that time are at your apparel. Other than that, that's pretty much it for this evening as far as you folks are concerned. Jim will see you later on about a permit and so forth. Thank you.

Jeff: Next item on the agenda is a request by Mr. Wynns to build the shopping retail space on his property on 59. Once again referring to our Zoning Inspector, any thoughts on his matter at this present time?

Jim: No, the sewer issue has been settled and the permit is valid.

Jeff: We have a letter from Mr. McGee one of the adjacent property owners.

Ted: Can I interrupt you for a second?

Jeff: Once, swears in Ted Wynns, 3173 Brady Lake Road. Thank you, your statement please.

Ted: The letter that you have received here, from Flynn, has no bearing on a zoning permit by you people. I don't mean to say you people, because I was already reprimanded by Coia saying you people. So I'm going to say you Trustees that represent Ravenna Township. Now, your job is basically to make sure that this property and this building meets your specifications only. It doesn't have anything to do with rather or not I have a sewer or water permit. It doesn't say anything about rather or not I violated any other additional laws. Your job is too basically to say can that building fit on that property. That's what your job is. That is the Building departments job to interfere whether I get a sewer or water permit whether it's illegal that I put that in there. They pulled my permit last time, Jim pulled it, that's what he told me at 7:00 when I came in here. He said they pulled it at 6:00. He is basically a liar. Because I talked to John from the water resource department, they told me that they did not pull that water & sewer permit that night. They pulled it the next day, so basically you people, what you did was not legal. Now, I went out to talk to John. They talked to the Prosecuting Attorney they gave me back that permit. I am in accordance with the laws of the water resources. I'm very upset, I have a document stating right here from Graham stating on page 8 of this legal document here that Graham actually acknowledged that I had a retail permit on this property in 08, but Jim denied a Zoning Certificate so I couldn't get a building permit, because he won't give me a Zoning Permit. Now if I can't get a Zoning Permit, I have to come back in here. But now that I have "estandgiated:, from the courts, that I had a permit, which he said I did not have, right there it is of 08.

Jeff: You state your words.....

Ted: That's Graham's words from the courts of Portage County.  
Jeff: Excuse me, you said can I interrupt and I said once.  
Ted: Pardon me  
Jeff: I said once.  
Ted: Well, I can't hear that well.  
Jeff: You state that in 2008 you had a retail permit?  
Ted: Correct  
Jeff: What is a retail permit? Who issues that permit?  
Ted: Jim issues it. It says right there a retail permit.  
Gary: Mr. Wynn, where did this document come from?  
Ted: That came from the courts. I never had it before, because they said I didn't have it, but now that I can substantiate from Graham that that's document form 08 and never get it. I have been fighting for eight year that I had it. I am in here right now fighting for a permit that I have.  
Claire: Jim, is there a permit on file? Some sort of certificate on file? Where did it come from? Someone had to apply for that.  
Ted: From the court, Judge Graham. It says right there in the documents. It is on file, it's recorded.  
Claire: I don't understand why a Judge would issue you a permit.  
Ted: He didn't issue me a permit, he said that I had a permit from the Township in 08 of August. I can't get a permit, because he won't issue me a permit. I can't obtain a building permit without a certification of a permit. So he keeps making me come in here....  
Claire: Ok, time out a second lets' quit talking in circles. So, you are saying that this document is from Magistrate Graham?  
Ted: Correct  
Claire: He says that the township gave you a Zoning Certificate for a retail building?  
Ted: Correct  
Claire: Ok, we've got that much so far. The township is saying that there is not one on file.  
Ted: Yea, because you destroyed it, I would destroy it too if I didn't want to.....  
Jeff: You are making some accusations here that are pretty serious, be careful what you say please.  
Claire: When you applied for it, who did you apply for too?  
Ted: I applied for it in Ravenna Township in 08 of August, they gave it to Edna Starcher and they gave it to me. Then about a month later the deceased and "decent" order and said that you don't have no more permit.  
Claire: Do you have any paper work?  
Ted: I can get it, yea I have it. I didn't bring it but I do have it.  
Jeff: Now the township that gave you the permit to make this retail building would have included me, it included me in 2008.  
Ted: Well, then you have had to known about it too then.  
Jeff: I don't recall  
Ted: You don't remember do you?  
Jeff: Issuing a permit for a building? I remember you coming to us for the building  
Ted: Two people were fired.

Jeff: That's three times. Two people were fired?

Ted: Yes

Jeff: Not on the Zoning Board

Ted: No, they worked for the Zoning Department I believe.

Jeff: Can't help you there. I know you came to us requesting a permit to build a retail building and put an electronic sign on it and that permit was denied partly because the property was under litigation at that time.

Ted: Let me reiterate, that has no bearing on the Zoning Certificate. Just because it's in litigation, has no, nothing to do with rather or not I can build the building or not. The one of the problems that all of you Trustees have you really don't know what you're doing.

Jeff: Excuse me, we're not Trustees.

Ted: No, you're not. Have you ever read your bylaws? I don't think you know, I really don't, because I have, in fact, Pat Ailes told me, sat right here and told me, it would be a cold day in hell if you ever get a managers living courters on that property and you know the sad part about it is states in your bylaws that a storage unit has the right to be able to have a mangers living quarters on the property. But, hey, I'm Ted Wynns and you know what, we don't give it to him. You just gave a Zoning Certificate, I'm assuming, to the ceramic place over here a variance to put a sign up there. 10 feet off of the property line, I ask for a variance, oh, that's right you're Ted Wynns, you don't get it.

Claire: The world's not against you Ted.....

Ted: Yes, you are

Claire: We are all civilized adults here and we need to act that way. You are not doing yourself any favor here.

Ted & son Jeff talking at the same time.

Claire: We've got to do things based on facts.

Ted: It is fact.

Claire: What someone else request it doesn't necessarily have anything to do with your request. It all depends on what you are looking for. It's not because it's you.....

Ted: I'm looking for it to be fair. That's all I'm looking for to be, that's all.

Jeff: I can't imagine how you say the sign across the street is 10 feet from the property line, but that's irrelevant it's not your property.

Ted: Jim tried to tell me that every sign in Portage County is 20 seconds, there ain't no sign up here 20 seconds. They are either 1 second or 10 seconds, maybe.

Jeff: That is not the point of this evening meeting. Would you step back for a moment please there are at least two other people that want to speak. Swears in Jeff Wynns, 1725 Brady Lake Road, Kent, Ohio.

Jeff Gaynor? Thank you

Jeff Wynns: I'm the son of Ted Wynns. I have not been participating in this because I think the system should be fair and I feel that my Father has been a little bit discriminated upon. A litigation case because of the fact that when I went and seen the attorney with my Father the other day that when I come in front of the Board, the Board is actually supposed to just be able to look at your Zoning laws and if the building is able to be put on to this property. It is none of anybody's concern if the property is in litigation or not. It's not you guys decision on to not turn a man down to be able to bring more work and more jobs into the community that everybody is asking for. I read in the paper every other day that we are trying to bring more business into the community. So this

gentleman is trying to bring business into the community and I have another man trying to discourage and use his influences on certain people and I don't feel that it is fair that somebody should be able to use his influences on a system to where it effects a man making a living. That is all I have to say.

Jeff Gaynor: Ok, thank you

Gary: Can I ask a question?

Jeff Gaynor: Absolutely

Gary: When you were here the last time Mr. Wynns. We had the letter that you brought in here Jim. Is it my understanding that the courts have made a decision to legalize what you were doing is legal. Is that correct?

Ted: Yes, they did give me back my water and sewer permit on top of it saying that I have done everything legal according to the water resources. I have not did anything illegal.

Jeff Wynns and Ted both talking.

Ted: It has been all resolved.

Gary: That's been cleared? When I hear this word litigation this is something over and above what has been determined. If I remember right, Jeff help me, tell me if I'm wrong if I am. We held up Mr. Wynn when this was in the hands of the court.

Ted: Correct

Gary: The court is done now?

Jeff Gaynor: Yes, we have been informed that they are.

Gary: So what we are obligated to do now is to tell Mr. Wynns he can, or he cannot build this structure in front of this storage building? Is that correct?

Jeff Gaynor: I agree, that's pretty much our sole decision this evening

Gary: We have already went over the dimensions and everything between the sign and the front of the building, the parking area. Ok that's where we are at?

Jeff Gaynor: Yes, I have a question, I'm not sure it pertains to what you are looking for but there are some earth moving going on the west edge of your property.

Jeff Wynns: We have not finished putting, grating the sewer line that we have put in there.....

Jeff Gaynor: Ok

Jeff Wynns: We still have intentions to grate it, but the weather has not permitted to do that. As of yesterday we have had almost 3 inches of rain so it's hard to really grate anything until the weather firms the ground up to where we can go any farther with that. We have actually in the back, where the easement is, that goes to Mr. McGee's property, we have seeded and strawed that area there as of the last meeting, a week after that we had Mr. Hadly come out, we went and got straw, we went and got seed. He has grated it himself, because I didn't have the time myself to help my Father but, that part of the easement and everything is all done it's been okayed by John, they gave us our permit back. We haven't really proceeded with the grating on the other side, like I said the weather has not been permitted.

Gary: Ok, you answered the questions

Jeff Gaynor: Somewhere I had a much more detailed map than this basic outline here. Just want to check on something.

Claire hands Jeff Gaynor the map he's looking for.

Jeff Gaynor: Do you know how many parking places you have planned?

Ted: I think there is over 120 spots.

Jeff Wynns: If you look here we have over 350 feet with along with the building is 350 feet. Then adjacent to, we have additional parking for the employees to park back here as well to put our garage doors with no loading in the front.

Ted: I did make those 10 foot, I could lower those down to 9 foot which would create about another 10 parking places. 18 feet what is marked here.

Jeff Gaynor: Actually it's marked 20.

Jeff Wynns: There probably is 20 but actually 18 foot parking space is adequate.

Gary: We talked about that two meeting ago and I thought we agreed that that would be ok.

Jeff Gaynor: I think you are correct.

Ted: I own the property next door too on top of that so if there.....

Jeff Gaynor: I'm sorry you own .....

Jeff Wynns: We own the old house that used to be next door.

Jeff Gaynor: Here?

Ted and Jeff Wynns both talking

Jeff Gaynor: We can't record two people at once please.

Jeff Wynns: Sorry, this is State Route 59, we own the property next door that we can use for extra parking if this doesn't fit to what your standards are.

Jeff Gaynor: As Mr. Long has said I believe we have checked into that ok, I am just kind of rehashing some things here that I would like to verify for my own feeble mind.

Ted: Even in the back of the property where we have it where we actually put the water and sewer that can even be additional parking back there. And on the left hand side, where the dumpster is, that I've enclosed I could even put parking over there. There's more than adequate parking over there and if there isn't and if it looks like it is going to be more than what I actually need I'll create more parking, because I would be stupid not to if I am going to create more business. I have the room to expand it.

JoAnn: I'm just curious, what kind of retail are we talking about?

Ted: What I would like to put in there is a restaurant on the far side. I've got the permit for the sewer and water, they approved it. I have to put in a grease tank, it's a thousand gallon grease tank, I have it ordered, but I can't put it in right now it is just to wet they won't come on there they will just sink.

Jeff Gaynor: I'm sorry what do you mean on the far side, within this building?

Ted: That's toward the Kent side. On the left hand side I plan on putting cost u less storage in a store for people that don't pay for their stuff, I don't want to get rid of it, I'm planning on just reselling it. If the people that don't pay want to come back and purchase their stuff at a discount, I will be more than gladly do that. I don't think that is very unusual, actually I think it is more than fair. So on the left hand side I plan on doing that. I have a beauty salon, I have a hot shot gun place is talking about going in there, I have a pizza person that wants to come in there and I believe I can fill that thing because the reason I can fill that thing is every busy I've ever built, rather it was a hotel, apartments, I've built them all. I've never not filled them and when I say I don't fill them. I lower the price down to where people can afford it. I even give people like two or three month free to get them in there, because I want progress. I want people in that unit and I want to fill them and I guarantee, they are getting \$16.00 a sq. foot up there at Wal Mart, I figure if I can do 8 or 9 I know people will come to me.

Jeff Wynns: We are not going to have vacancies is what we are saying.

JoAnn: I was just curious, because the thing across the street down the road is for sale.

Jeff Wynns: We are going to work with the community and lower our prices to be able to make it more affordable to be able to have more businesses in there.

Ted: There are a lot of people who want to start businesses, but they don't have the money and I'm willing to work with anybody that doesn't have a lot of money to be able to put them in there to help them get along down the road they will help me back. That's how I look at it. I just want you to be fair, that's all I ask.

Jeff Gaynor: Any other questions, comments from the Board?

Remy: You mentioned a live in manager?

Ted: I came in there about three years ago, me and Edna came in, when Edna was alive. We came in here and Pat Ailes came in here and she sat right about where you were or where she was.

Jeff Gaynor: Who?

Ted: Pat Ailes, she literally told me, it will be a cold day in hell if you ever get a managers, living quarters on that property.

Jeff Gaynor: I'm sorry I don't know who you are speaking about, but nobody said anything like that while I was at a meeting here.

Ted: No, I don't think you were there. I think Coia was there.

Remy: It was Patsy Artz

Both Ted and Jeff Wynns talking.

Jeff Gaynor: Were you perhaps at a Township meeting? Not a Board of Appeals meeting that you are thinking of?

Ted: It might have been a Township, I can't answer that, Coia was there. He belittled me which I'm discussed about. Which I think it is really unfair to belittle people and I think everybody is to be fair in the community and that is all I ask for.

Jeff Gaynor: In the spirit of fairness and an adjourning property owner which he wishes to speak. Swears in Doug McGee, P.O. Box 11202, Brady Lake, Ohio

Jeff Gaynor: Physical address is that within Brady Lake?

Doug: Yes

Jeff Gaynor: Your comment please.

Doug: Is there, I haven't seen this before of course, is there access for the public road that the Judge ordered put over by the wetland. It is going to require a 50 – 60 foot right of way.

Jeff Gaynor: Is the property.....

Gary: This shows 24 feet.

Jeff Gaynor: This shows 24 feet of asphalt, paving between the entrances. So the 24 feet is the width of the driveway that they are putting in. I don't know the dimension from there to the property line at this point.

Doug: It is about five feet off the property line so that when he.....

Jeff Gaynor: Is this the property line here? This shows 24 feet to here. (pointing at the map)

Doug: What he has to do is come in and go like this. (pointing to the map)

Jeff Gaynor: So there is room there. There is nothing within sixty feet of the property line other than driveway.

Doug: Well the driveway is in the way of a public road and we need a minimum of sixty feet and he pointed at, 50 feet that's right, he even said that it could be within, of course we are going to court in fight this, but he even said it had to be 20 feet away from the building so it would be right here is where it is supposed to be. (points to the map) the public road. That is where the Judge ordered it.

Ted: The Judge ordered the edge of the concrete, right there (points to the map) and it is supposed to go straight back along the property line and this is the document that I have from the engineer.

Jeff Gaynor: Do we have a map or anything like that on this document?

Doug: There is 24B and like I said we need 50 foot public right away.

Ted: He's correct on the 50 foot, but it goes along the property line.

Doug: There is nothing in the court thing that says it goes along the property line. It says that just to the west of the buildings. Where he shows his 20 foot drive, that's where it would go. I have a copy of the judge's decision. So like I said I have it in my briefcase and he doesn't say along the property line and by the way this is all wetland over here and that is why we are not accepting the judge's decision and we are appealing it.

Ted: You have all the documents from the court right there.

Jeff Gaynor: There has been, I saw a map of this right of way dealing along by the court right here. That is correct isn't it?

Doug: No, the court didn't do one, we did one. The judge didn't have anybody to do one, we did one and he has ask us. The judge didn't draw up a single thing.

Ted: I had to be 20 feet away from the easement is what it is. This easement starts from the edge of the approach coming into the thing it starts approximately five feet from the property line and straight back. I have to be 20 feet from that that is correct. I even stated in that letter I would stay 20 feet away from his easement.

Doug: Well, if you are 20 foot away from the easement then that is 70 foot, but that's not what we see here. This 24 foot is a driveway which is right where we would have to have an entrance 50 foot wide going down through there and this is all under water. This is where the judge said within 20 feet of within in the sides of the buildings and that means it would be right there.....

Ted: What a liar.

Jeff Gaynor: Do we have anything that shows that is what the judge said?

Ted: Do you have any prove of that?

Doug: Yes, I have it

Ted: Can we see it?

Doug: No, you can't, but they can.

Ted: Do you have it with you?

Claire: Let him talk.

Doug: It was sent to them too. Would you like to see it?

Jeff Gaynor: Do you have it with you?

Doug: Yes

Ted: I just gave you a copy of the judgment. That is with the judge's right there

Jeff Wynns: With regard with this offset of this building, there is really no contour of what he is talking he is talking with this easement of this road. This building is 30 feet off of the easement, as it is, so therefore, his deal shouldn't even be accounted for what we came here for. We're coming here to put this building here. We're not here to

discuss this gentleman's easement that's going through here, but if you look here. I made a mistake, it's 20 feet off of this easement, ok, so we are holding our 20 feet off of there what we are required to do from the judge and so this shouldn't have nothing to do with either or if he get his 50 feet it is going to be this way, but it's still going to go this way. So therefore, this building should be able to be allowed to be put on here just because of a dispute of a person that has a fraudulent law suit that they basically just gave the gentleman because they felt sorry for him because he does have an access off of this road where the Moose club is that comes behind here, there is a guard rail back there.

Jeff Gaynor: You are covering things that are far beyond our purpose at this time.

Jeff Wynn: This is what we are here for, we are not here for this, we're here for this and we are meeting all our requirement.

Jeff Gaynor: The board needs a five minute recess.

Jeff Gaynor called back to order this meeting of the Township Board of Appeals. Calls Jim DiPaola, Zoning Inspector. The board has a couple of questions for him. Is the storage area part of entire deal up to the standards that are set by the community for that storage area?

Jim: The storages is in place have met with all building code requirement and with all building requirements.

Jeff Gaynor: Outside storage vehicles is ok now? They were on grass at one time

Jim: Mr. Wynns was ask to move it and he did.

Clarrie: I just wanted to make sure that everything he was permitted that the permits that was granted before, that everything is at the way it should be.

Jim: Yes

Jeff Gaynor: This subject of living quarters on the premises.

Gary: What page was that Remy?

Remy: 160 covered any storage

Jeff Gaynor: I was just wondering what Jim would have to say about the living quarters.

Remy: We are adding retail units to a mini storage facility.

Jeff Gaynor: Page 160 doesn't cover the.....

Remy: It's General Commercial Jim?

Jim: Yes, sir

Remy: Is Residential permitted in General Commercial?

Jim: No

Remy: So would living quarters be considered Residential?

Jim: Yes, it would

Jeff Gaynor: Even living quarters in conjunction with the business there. As our legal representative has told us in the past the Zoning laws take precedence this is the final authority, the Zoning laws, we are actually the final authority.

Jim: I enforce them you guys grant variances

Jeff Gaynor: There you go, any other questions for the Zoning Inspector? Thank you. Any other questions, comments from the Board? I have one. The electronic sign that you have, permission for that sign was granted under the off premises sign dealings, you need to address those. Do you have a copy of our zoning book?

Ted: Not with me no

Jeff Gaynor: But, you have one available?

Ted: I know the zoning code.

Jeff Gaynor: Specially an off premises sign is not allowed to advertise for business on that existing property.

Ted and Jeff Wynns both talking.

Ted: Unless I take it off of the off premises and put it onto the building. I can't do both.

Jim: You did move your sign. The cost u less storage sign.

Ted: Yes,

Jeff Wynns: I think this gentleman is talking about.....

Jeff Gaynor: The electronic sign

Jeff Wynns: We understand it is either for business or it is for the business for the business. We understand that we can't use it for both.

Ted: Now Jim did tell me.....

Jeff Gaynor: I'm sorry, but what authority you're speaking there. The permission was granted on the off premises sign section of the Zoning Code. In that section it states you are not allowed to advertise for properties on that premise.

Ted: We understand that. Jim did tell me I could promote the new building business as I'm building it up, is that correct Jim?

Jim: On that sign?

Ted: On that sign.

Jim: No, you can't advertise.....

Ted: I'm not advertising, I'm just saying.....

Jim: Promote, advertising.....

Jeff Gaynor: Promote advertising is pretty similar words.

Jim: Anything that is on that sign, has to pertain to something that is not on that sign.

Ted: Correct, but I think I ask you while I was building it that I would like to advertise that there would be rental space in the building.

Jim: No, you can't do that

Jeff Gaynor: Technically, and I've driven by many times, and it says rent space on this sign. Strict reading of the rules would disallow that.

Ted: Well, I'm trying to rent space on the sign....

Jeff Gaynor: Obviously, that is advertising for something on those premises. That is all the comment I want to make on that now.

Jeff Wynns: Wait a second, let me speak. Now that is, itself an easement, that is actually not a parcel to that property, that has got its own easement there is its own sign, its own property so could that.....

Jeff Gaynor: How could you make a separate property around that sign? It's not an embassy or something.

Jeff Wynns: We had to have an easement put on.....

Remy: Variance

Jeff Wynns: Variance

Jeff Gaynor: Variance that is something we granted to you.

Jeff Wynns: Ok my bad.

Ted: I guess what I'd like to say is I have on there that you can rent space on the sign, that doesn't mean that I am renting space on that property, it just means that I am renting space on that sign.

Jeff Gaynor: But, the signs on the property.

Jim: Hey Jeff. From my point of view, its ok, he's not advertising anything but the sign

Ted: Now that we are on the sign, this is my big complaint here. All the other signs including Kent, Ravenna, Streetsboro, Stow, Brimfield all of the other places around Kent has a sign up there, right when you go through town it says.

Jeff Gaynor: Excuse me, this is not apropos to this evening's discussion. If you have comments, if you have complaints about what is allowed on the sign that needs to come through probably Mr. DiPaola or probably the Township Trustee meetings. We can't do anything about that right now. Let's just skip the sign for now. Any other questions, comments from the board on the application for the retail space?

Gary: Are we clear on the Residential?

Jeff: No

Jo Ann: I'm not clear on the residential.

Jeff: Well, yes, we were told by the Zoning Inspector and it says in the book that you are not allowed to have residential within.....

Gary: We are going by the residential? Do I stand correct in that?

Jeff Wynns: It says residential on the premises, but if you have a commercial piece of property last zoning meeting, you guys allowed a gentleman just down the road from us on a commercial piece of property to put residential home. How can that be? It is kind of like a double standard.

Jeff Gaynor: Two things pertaining to that, one that a.....

Jeff Wynns: A favor?

Jeff Gaynor: You are going to have to stop that. Do you understand my meaning? You have called us liars, you say we are giving favors to people.

Jeff Wynns: That's what it seems.....

Jeff Gaynor: THAT'S GOING TO HAVE TO STOP!!!!

Jeff Wynns: Well, the truth hurts.

Jeff Gaynor: Yes, it certainly does. There are many truths that could be spoken here this evening.

Jeff Wynns: We are just like you and I'm asking for my rights to be treated just as well as me and you walk into McDonalds and they are going to treat me just the same as they treat you.

Jeff Gaynor: We are up to about 19 or 20 and at 21 everybody gets a prize and we go home early.

Claire: As we stated earlier, it doesn't matter what we granted the people last month, last year or two years ago. It is based on each individual's application. So don't bring up what we granted the last people. That has nothing to do with you or your certificate. So let's start over.

Ted: Well, we are not asking for residential on that property.

Jeff Gaynor: I thought there was a request for a manager quarters.

Jeff Wynns: There was a request three years ago and you denied it so therefore, that's what that came up about. We're here for the building

Jeff Wynns, and others talking same time.

Jeff Gaynor: That's up to 20 so stop interrupting, please

JoAnn: That's what we wanted to clarify was there going to be a residential in the retail place.

Jeff Gaynor: There will be no residential on the property? In that case the chair is ready for a motion pertaining to that application. We have a request for Mr. McGee to speak. Please come up here.

Doug: The rules to put a road in, that I ask about, and you had asked me to find it in the judge's opinion on what he did. It's entitled location of road easement and you will see that he is talking about 50 foot wide easement with a road would be 26 feet wide itself, it will be a public road or private road built to public street standards. I don't say the second part anymore, because most likely it's going to be a public road and so we need the room for that and if you notice on the next page, page 12, that he stated twenty feet away from the buildings that are there. That puts it right on the well and partially on the dirt. It follows that thin line that you guys were looking at. Right along the edge of the building. Twenty feet away from it is what he said in his judgement.

Jeff Gaynor: It also says the engineer says the construction of a road in wetlands is feasible.

Doug: Well, there are two things that are wrong with that. First you didn't finish it, he said it was feasible and very difficult.

Jeff Gaynor: Right, not our problem here this evening.

Doug: I know and with not getting into all that. That does state that we would be putting our road within twenty feet. If that was the rule of all that we have to follow here and it still would be within twenty feet of the buildings which puts us not completely in the wetland. At least it puts the edge of it closer to the building, that's on page 12.

Jeff Gaynor: Ok, this is stamped 2016 here, but there are some statements within the document that obviously predate that quite a bit.

Doug: Yes, he's quoting things that happened.....

Jeff Gaynor: You folks are just going to have to decide with the engineers, etc what happens to the road.

Doug: So you're not....so what he's done is he has blocked us so we can't use the back property at all. We can't get back there, because we can't subdivide without a public road, we can't build the buildings we need to do without a public road it just can't be done.

Jeff Gaynor: The engineer says building a roadway is feasible though difficult.

Doug: I talked to him and he said the judge misquoted him. He said what he told him is you're talking about just constructing it and yes that's feasible but the cost would be outlandish and he says so .....

Jeff Gaynor: Alright, I don't see what more we can decide here.

Remy: You are currently appealing that decision at this time?

Doug: Yes

Jeff Gaynor: That's going to have to be it.

Doug: So you're ok with him putting his stuff that way which elements us having any road connection?

Jeff Gaynor: We are not building anything any closer other driveways and so forth which you build a road over top of it if you need to and connect the driveway to the road.

Doug: Well, I wouldn't have problem with that, but we would have to put in a public road. Which means no curbs within the pavement which would actually look like a public road that we drive every day it would be.... There would be no parking places in it even though you're showing parking place approved within that distance. That's what

I'm saying, is it's not leaving us any room to do what we need to do even if we try to follow what the judge says and it doesn't go straight along the property line, there is nothing in here that says that.

Gary: The facts are, the courts have passed judgement on the litigation that he was held up for before that's fact, correct?

Doug: That's correct

Gary: Anything beyond that.....

Doug: This is not beyond that, what I'm saying now is within this context it's saying the east access road. Let's see a state road requires 50 feet, McGee apparently wanted to put housing on the back partials and the road did not provide sufficient access to the back partials, so the easement must be on the west side. The decision is that the road easement would start on the west side of the partial where the concrete road apron connects that St. Rt. 59. A private road approved by the county engineer shall be constructed to public road standards. The road easement must be at least twenty feet from the storage buildings and retention pond. Then McGee will retain a qualified profession engineer to prepare construct documents needed for the access road to the back partials. So he is saying that it would be, you know we can get up as close at twenty feet from the storage buildings and it requires 50 feet. That's the right of way.

Jeff Gaynor: The only possible point to this is it's to close right here at the corner of the purposed building and the property line and Mr. Wynns owns the other property next door to that.

Doug: We have this judgement only effects this property.

Jeff Gaynor: Yes, but you need an easement for a public road. You get the easement, it doesn't matter whose property it's on.

Doug: Ok what you're talking about to get..... a public road, yes, has an easement, ok it can be by easement, but this is a judgement on a nine acre piece of property that he has now, not on the other one. So we can't take this and say because he owns it we have to put something over on that.

Jeff Gaynor: Yes, that makes sense, but again this board does not control public roads.

Doug: But you do control where he locates his buildings and we do need to have at least a 50 foot wide approach.

Jeff Gaynor: Where the building is itself gives you 50 feet to the property line. So, that's it. We are back to that motion thing.

Gary: We are ready for a motion, but before we do it. Jim do you have any other additional comments that we need to be aware of here before we process this motion.

Jim: No

Gary: You're clear?

Jim: Yes

Jeff Gaynor: The Chair will make the motion to accept the application for the building of this commercial property without any residential properties involved and that's it I guess.

Remy: Did you want to have it say off the easement by 20 feet?

Gary: According to his prints, yes

Remy: According to current legislation.

Jeff Gaynor: Ok, providing the building is at least 20 feet from the court mandated easement.

Gary: I'll second it. R/C: Gary Long – yes, Claire Moore – yes, Remy Arness – yes, JoAnn McEwen – yes, and Jeff Gaynor – yes.

Jeff Gaynor: Your request has been approved, there is an appeal period in which interested parties can make a legal appeal on the actions you take before that period is at your own risk.

Ted: How long is that?

Jeff Gaynor: That is something a lawyer would have to answer to you, I'm not allowed to give legal advice.

Ted and Jeff Wynns. Thank you

Jeff Gaynor: I have one more question, where's the map? This is a minor thing. What are these numbers? (points to the map)

Ted: That's the elevation numbers.

Jeff Gaynor: I figured that is what it meant, but I couldn't figure it out.

Paper rattling and everyone talking as Ted and Jeff Wynns leave.

Remy: I think Mr. McGee had a comment.

Doug: A clarification at the end there you said that his building had to be twenty feet away from the easement, is that what I heard?

Jeff Gaynor: I think so.

Doug: So, you're talking about the easement we have right now for access?

Remy: As per the court order

Doug: Ok so, the building he builds has to be 20 feet away from our 50 foot wide easement. I just wanted to reclarify that, that you make sure.....

Gary: From the edge of it?

Doug: Right, and obviously.....

Jim: If you got a 50 foot easement then you've got 20 feet open and the building.

Doug: Right, I don't want someone saying ok here's 50 foot wide and here's the building and it has to be 20 foot from that edge.

Jeff Gaynor: 50 feet it said away from the court mandated easement which seems like it would be interpreted that way.

Doug: Well, we will be appealing this and we also will going with the rest of it that the judge telling us about the wetlands.

Jeff Gaynor: We do have some things this evening that we need to get on with.

Doug: I know you are all volunteer and I appreciate you doing the best you can.

Jeff Gaynor: We are a little limited in what we can do

Doug: I will tell you that one of Ted's approach is to lie about something in the past, ok and then tell you I've got the approval already.

Jeff Gaynor: Yes, we have learned that. Several things we learned about people that come and testify before the board.

Doug: Thank you

Jeff Gaynor: We need to journalize the decisions we made this evening. Do I hear a motion to journalize the decision to build the garage within the 10 feet of the property line by the Rummels.

Remy: I so move

Gary: Second R/C: Remy Arness – yes, Jeff Gaynor – yes, JoAnn McEwen – yes, Claire Moore – yes, and Gary Long – yes.

Jeff Gaynor: And a motion to journalize the decision we made for the Wynn self storage and retail property.

Gary: I so move

JoAnn McEwen: I second R/C: Claire Moore – yes, Remy Arness – yes, JoAnn McEwen – yes, Gary Long – yes, and Jeff Gaynor –yes.

Jeff Gaynor: We need a motion pertaining to the minutes of the last meeting as presented to us by the secretary.

Claire: I move we accept the minutes

Gary: On page 4 of the minutes and down at the bottom. Doug McGee, thank you for sticking to the letter of the law on this. That need to be stricken, because he was never sworn in. And again on the top page of 5 Jeff mentioned he would have come through your property to do that, speaking to Doug, and Doug responded saying what has happened in the past and thanks the board for being fair. That also need to be stricken out of the minutes, because Mr. McGee was not sworn in. Those are all the two changes I have in the minutes. When someone is responding or giving us, that does not belong in our minutes.

Jeff: Ok, Accepting the two changes that Mr. Long discussed, we will go on to a second.

JoAnn second them: R/C: Jeff Gaynor – yes, JoAnn McEwen –yes, Remy Arness – yes, Gary Long – yes and Claire Moore – yes Minutes approved with the two changes.

Remy made the motion to adjourn.

Meeting adjourned at 8:15 p.m.

Respectfully submitted by

Carolyn Chambers  
Zoning Secretary

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