

RAVENNA TOWNSHIP BOARD OF ZONING APPEALS

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

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The Ravenna Township Board of Zoning Appeals met July 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: Jeff Gaynor, Remy Arness, Joann McEwen, Gary Long and Claire Moore. Also present were Jim DiPaola, Zoning Inspector and Carolyn Chambers, Zoning Secretary.

Jeff: Record will show we have a quorum. We have a request from Reuben Yutzy, will you step forward please. Swears in Reuben Yutzy. Tell us a little bit about the nature of your request.

Reuben: I have a little drawing here. I simply want to put a fence, a privatize fence, in my front yard, because the kids can't play in the front yard because it is too close to the road. I simply want to put a fence up to give them a yard. It would be like a back yard, but it would be a front yard.

Jeff: My drawing of your property shows over 300 feet behind the house, is that not usable?

Reuben: They're all woods.

Jeff: There is a fence existing right along this property line to the north of you is that yours?

Reuben: No, that's on the other side of the driveway and I want to come.....

Jeff: Yes, that is north. How far is this fence going to extend back from the road? The sideline extension here.

Reuben: I could stop it anywhere, but I was going to come half way to three quarters of the way up to my house and on the driveway side about the same just create a block so I can put a swing set out there and give the kids a spot.

Jeff: How close to your driveway do you expect it to be?

Reuben: I'll leave about six to eight feet here.

Jeff: How close to the road?

Reuben: I called the Portage County guy, the road guy, he came out and spray painted a line and his line was only about 20 feet, I didn't measure exactly, but it is still there from the road.

Jeff: So he surveyed or knows the right of way there?

Reuben: Exactly, Jim gave me his phone number so I called him and he came out and spray painted a line, like I said it looked about 25 feet about five feet inside the telephone lines.

Gary: So he marked the right of way?

Reuben: He marked the right of way with a spray paint.

Jeff: He marked the right of way? Not where you could put the fence?

Reuben: I'm sorry, he marked the fence. I ask him to mark where I could build a fence.

Jeff: Why six feet?

Reuben: Just simply to stop for privacy. A four foot fence would be, would stop the kids but it wouldn't, it's just not enough for privacy when the kids are out there. For us to feel like it's a safe place.

Gary: Is this drawing correct? It says 210 feet from the front of your house.

Reuben: I never measured it.

Gary: I have a drawing here that somebody submitted.

Jeff: That's the original site plan from many years ago.

Gary: I see it is dated 1976 that's correct.

Reuben: Yes, the house is still in the same spot.

Jeff: Other comments, questions?

Gary: Yes, your request violates our resolution on section 610 .06 fences, walls and hedges and I'm looking at section F the fences laws, hedges or berms or any combination shall be permitted in the front yard at a height that shall not exceed four feet six inches in height above the finished grade of the front yard. Lesly I can't believe this is for security measures or you would have it closed in.

Reuben: I'm sorry sir

Gary: I said I can't believe that this fence is for security measures when it is open all the way to the back.

Reuben: The main thing is to have it closed up in the front.

Joann: I don't know why it has to be so high.

Reuben: For privacy

Joann: What are you worried about?

Reuben: We latterly had kids that were, the cops were in our back yard, because kids are running through our front yard away from the cops and things like that nature that gives me concern just for my kid's safety and if I build it shorter I'm simply concerned of people just scaling it. That's, really I could build it four foot six, but if my kids are playing out there then you could still kind of see into the whole thing. The thing is simply for privacy and to keep the kids safe.

Remy: How old are your kids?

Reuben: 10 and 7.

Jeff: You kind of wonder how much an extra foot and a half would go to hide your situation from the general passersby. Reason for this ruling are visibility, traffic etc and this overall standard appearances throughout the township.

Reuben: Are you aware that there is one just right up the road from me, two houses up that is that high. Their house sits out further so they're able to do the fence.

Jeff: Which direction?

Reuben: Just north of me, just before you go around the curve.

Gary: Is that in the front though?

Reuben: It's on the side, its right with the house and it's not very much further back from the road.

Gary: But it's not in front of the house. That's our concern

Reuben: You can't see the house

Gary: No, it's open

Jeff: Yea, in the back yard you're allowed the six foot fence

Reuben: Sure, I understand that and I just heard it was a shorter fence, I simply said well I'll ask to appeal it and if you guys are not ok with that then I think somebody told me I am aloud to build, or go the four foot six and I can do the pine trees.

Joann: I can see pine trees down the road cause I went down the road to see where everybody lived. I lived on Lakewood when my kids were two and four and they had a fence with an opening and I just watched my kids. But, I just think the solidness and the height of that in the front of the road is not going to look right and there is a reason why they made this zoning rules for appearances.

Remy: What about clearing out some space in your back yard for you kids to play?

Reuben: There is simply trees and I've already done quite a bit of that. Again it is not only for security but it is also for privacy. Simply from traffic I'm trying to stop.

Gary: Human being traffic?

Reuben: Yea that is my biggest concern is the police are there every week across the street at a minimum.

Jeff: Is that the multifamily house across the street is that the one you are talking about? Trouble spot Jim?

Jim: Yep, starting about the two houses just into the curve 6060 and 6070 constant and there one day I was out doing some stuff on Lakewood and there comes a couple of Sherriff's cars and an sheriff with a canine, that is a constant problem and this is broad daylight they were chasing somebody down Lakewood Road toward the railroad tracks. That area right in there has been a problem.

Reuben: Would a different kind of fence, like a white vinyl fence be any different for appearances for what you guys think?

Gary: Well, the resolution said and it's pretty clear no fence, wall, hedge or berm.

Remy: What does our Zoning Inspector say about this fence in the front yard?

Jim: Well we kind of have to look at it from both the aesthetic appearance and trying to protect people from coming into the yard and that area is also on a hill so anything behind the house runs uphill and it's a forest back there, it's dense. With the fence maybe a combination of fence and trees. There's nothing wrong as far as zoning goes everybody has trees in their front yard over six foot. With a combination of regular size fence and some bushes maybe that could get him the privacy he wants. It's one of those things that he does have a security problem and that area is not good. Until those three houses are gone.....

Jeff: Again the fence is open clear across the back and so forth is that going to increase...

Jim: Are you going to attach it to your house?

Reuben: I wasn't planning on it, but I'm standing there grilling one night and people just come cruising through my back yard. They have access if they go up through there to the trailer park which is one street behind me, so I was concerned at first well you know and

then they did it again and then again. So then I don't know if I need to put a fence through the back, I may have to. I may have to connect all the way just to stop the traffic.

Gary: Have you spoken to the Sheriff's department? Have you put your foot down and said that you're sick of it?

Reuben: I have not, I didn't know what to say. They were at the neighbors, they were in my back yard hunting people down but they verbally said it is a drug house, they know it they just can't stop it. I don't know what they can do down there.

Jim: It sounds like if you are more interested in the security thing, I would do something to prevent them from at least coming up close to your house in a fenced out far all the way down and all the way across, normally if the thing is if they have to work to get something they won't do it, they will go around. So that is kind of the idea if you need to put a fence up for that kind of reason, you need to do it the length of the property.

Reuben: At first I was thinking it will just work itself out, but it has only gotten worse in the last year to where I don't know exactly what's going on. As a matter of fact the other night my wife was driving in at 10:00 p.m. and there was some guy ambling up all the way up by the house across the front yard and he was definitely not all there then, but it was just to stop things like that and make it more difficult.

Claire: I feel for you, I have had the same issues with property by my house. With it being a drug house, stay on the drug task force. Call them every day if you have too. They will take care of the problem. They will get rid of the tenants until the new tenants decide to move in and do the same thing. I do feel for you.

Reuben: We have such good neighbors as well.....

Gary: Both sides?

Reuben: To the side and again down the side and right across the street Bob Marks. They are wonderful people and we enjoy being there and it has gotten to the point where we have got to do something. Like my wife will simply go out to cut the grass and they will sit there and just sit there and watch her, the two guys, the older guys and it is just uncomfortable to even be out there. It used to not be that bad, it's gotten worse.

Jim: They have both clans in the front yard today in their bathing suits playing cards and it was an ugly sight.

BZA recessed

Jeff: Called to order again the meeting. We have a number of concerns here. Number 1 we don't see how this is going to be effective, being open at the end of the whole north side of your property is still open, it is not going to stop anybody walking across the street through the back of your property. We know they shouldn't be doing that, that's a police or sheriff's department matter. With the slope on your property, a six foot fence isn't going to hide anything unless it is right up against the fence. So if you want something to help keep you kids in and we certainly understand that. I think we are going to have to stick with what's in the book. Chair is ready to entertain a motion pertaining to this application.

Claire: I move that we deny variance 2016 BZA 13.

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

Joann: We sympathize with you, but our job is to make it stay within the bounds of what the Zoning Board has agreed to.

Jeff: Get on the Sheriff's department make yourself a little pain in the butt to them. They're going to get out there and help.

Joann: I think you could do a four foot six fence and do some bushes that are shrubs.

Reuben: I certainly will it's not that.... I'm going to do something I just wanted to go higher, but like you said I think the bushes are allowed to be higher I didn't think there was a limit on that.

Joann: Almost to Summit St. there's a fence with real high bushes.

Reuben: Is there a limit on the height of the tress?

Jeff: I sure hope not.

Claire: I have got almost the exact same situation and the drug task force, they will talk to you and they will do something.

Reuben: I certainly will

Gary: Sometimes you can't be nice all the time. That's a heck of a thing to say, but you just have to stay on the telephone and I'll go along with Claire, they're support you.

Jeff: That is all we have for you right now, we have a few little things for the Board to discuss you can stay and watch that or you may leave if you want.

(Discussion of what else he can do and other places that have similar fencing)

Jeff: We need a motion pertaining to the minutes of the June 8, 2016 meeting

Gary: If there are no corrections I would move that we accept the minutes that we had on June 8, 2016

Joann: Second R/C: Gary Long – yes, Claire Moore – yes, Joann McEwen – yes, Jeff Gaynor – yes, Remy Arness- yes, and Gary Long – yes. Minutes approved.

Jeff: We need to journalize tonight decision.

Remy: I so move

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

Jeff: It says in front of me sign a legal document for the Prosecutor.

Jim: What this is, is just stating the conclusion of facts. This is about the law suit that Mr. McGee filed appealing your decision and it says application for conditional use approved the application for a planned business development as a retail and we need each Board member to sign. Then Carolyn has to sign the next page. Mr McGee called me the other day and left me a very long voice message. Usually when I talk to Doug he states a lot of facts but he also states a lot of opinions.

Jeff: It was hilarious sitting here listening to Ted Wynns talk all these things coming from his mouth has no resemblance to reality.

Jim: That's what I'm waiting for when Mr. Meduri gets these minutes of the meeting and he is going to have a ball reading it.

Jeff: Once again, Tom Campbell, the gentleman we have spoken to in the past about to many cars in the yard. I sighted nine or ten cars in the yard and driving past I don't see a single license plate. The Baptist church and our friends that are two or three houses up are talking to me about this. Why this man ever bought a city house, I can't understand and he hasn't cut the grass since he moved in and you if you move all those cars back and forth then you don't have to cut it as much.

Gary: Are you telling me Jim, that we are going to have Mr. McGee and Mr. Wynn back in this room again with this?

Jim: I don't know.

Jeff: I would think that it is past us unless the courts sends it back to us for another decision.

Jim: That depends on what the courts come up with.
(Discussion of neighborhood house problems)

Jeff: The chair will entertain a motion to adjourn.

Remy Arness made the motion to adjourn at 7:30 p.m.

Respectfully submitted by

Carolyn Chambers
Zoning Secretary

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