

***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 August 13, 2014 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, Gary Long, Claire Moore, Jim DiPaola, Zoning Inspector, and Carolyn Chambers, Zoning Secretary. Absent was Dorothy Griffiths. Record will show that we have a quorum.

There was no old business.

Jeff: Under New Business is Variance application for Heidi or Madonna Englemann, is either of those ladies present? We need to speak to one of you at a time. Both of you will have the opportunity to speak, but I want to tell everyone that any comments that you wish to be recorded need to be spoken in front of the table here after you are sworn in. We will sometimes get comments from our Zoning Inspector, Jim DiPaola, without him sitting up here, but things coming from the back of the room will not record on the machine and won't get put into the record. Would one of you two ladies like to come forward and speak on this matter? Do you swear that the statements that you're about to make before this board are the truth.

Heidi: Yes

Jeff: Your name please

Heide: Heidi Englemann, 942 Stewart Road, Kent, Ohio 44240

Jeff: Thank you, what is the nature of your request please.

Heidi: We are requesting not to have a garage.

Jeff: Where?

Heidi: 3273 Brady Lake Road.

Jeff: Why don't you want a garage?

Heidi: Due to storm water backup issues in the surrounding neighborhood and leading down to the property.

Jeff: The property had a garage, is that accurate?

Heidi: Correct

Jeff: Ok, that has now been eliminated.

Heidi: Waterproofed

Jeff: No, the garage has been eliminated, is that accurate?

Heidi: Yes

Jeff: How did you go about eliminating the garage and why did you do that?

Heidi: A retention wall to allow the water to flow around the property to the drain at the bottom of the street.

Jeff: Ok, you did not seek permits either from the Township or a building permit from the county before you did these modification to this house is that accurate?

Heidi: That's correct. We did not know there was any kind of rule to it and by then it was waterproofed.

Jeff: Are you the home owner? Are you going to be the resident of this house on Brady Lake Road?

Heidi: I personally will not,,no.

Jeff: Is that person here?

Heidi: No

Jeff: Is the house going to be for sale or rent or what?

Heidi: My sister is moving in

Jeff: Ok, I see. Is this the first house you have done modification to, changes to or anything like that?

Heidi: Yes

Jeff: Any other Board members have comments or questions?

Remy: So the garage was turned into a retaining wall?

Heidi: Yes, a double retaining wall, there's a retaining wall on it and then a second retaining wall in front of it.

Jeff: The garage is still there but, it is no longer available as a garage.

Remy: Water diversion

Heidi: Yes

Jeff: No other questions or so forth? Ok,the house does look fairly nice now by the way, I know you have done a lot of work to it. Does anybody else wish to speak on this matter? Would you come forward then? Would you state your name and address for the record please.

Joseph: Joseph Ferrell, 6273 Roselawn Ave

Jeff: Thank you, whereabouts on Roselawn is that?

Joseph: About halfway down, it is pretty much directly behind the house on Brady Lake Road. 3273

Jeff: That intersection where that house is, the house that is question tonight that's Brady Lake and Woodlawn, is that accurate?

Joseph: Yes

Jeff: Roselawn is the next street southeast from there. Ok, what is the nature of your comment?

Joseph: I'm just concerned of where the water that is being diverted is going to go.

Jeff: That is a valid concern but, I'm not sure we can do much about that here. That is more the province of the Portage County Water and Sewer. Portage County Engineer yes. If this property was modified incorrectly, illegally you would need to address your concerns with the Portage County Engineers.

Joseph: We have had a ongoing conversations with Mr. DiPaola. My biggest concern is all this work was done without any permit what so ever. It's like ok we're going to do it.

They have fixed it up very nice they've done a wonderful job. If everybody did what they wanted to do without following the law or rules where would we be?

Jeff: Worse shape than we are probably.

Joseph: My concern is we are going to be stuck with wherever the water is going to go. They made comment they don't care where the water goes they just want it away from the house. Well, you know it has been a water problem for 25 years.

Jeff: Is your property lower than theirs? Does water flow from that area to yours?

Joseph: It back flows and into Mr. Singletons too. (pointing to map and discussing)

Jeff: Are any of the adjoining property owners, whose houses would face Brady Lake Road, here? I do, ok, step back if you would and Mr. Singleton come forward. Do you swear that the statements that you make before this board are the truth?

Mr. Singleton: Yes

Jeff: Thank you would you state your name and address for the board please.

Benjamin Singleton, 3287 Brady Lake Road. I've got two lots, these two are together (points and discussion on map) House is on one lot the garage is on another lot then Ferrell's is over that way. They adjourn me.

Jeff: The house that is under question this evening is on two lots. That hasn't been combined into one lot?

Benjamin: No, this is the old drawing and that is the way they did it when Lucky's built that house, they built that house on two different lots.

Gary: The lots have not been combined?

Benjamin: I've got some from back to 1977 and this is the same as the 1977 diagram. They came back and surveyed and what they said is they were off anywhere from 15 to 20 feet.

Jeff: Can't move the house now.

Benjamin: My question is why did the county give them permission to build a house that was on a swamp that you got natural water ways that flow through that goes into Sun Beau. That was built before that house was built but, they gave them permission.

Jeff: Again that was years ago and we can't do much about that at this point.

Benjamin: My concern is they built that and over the years you have all of this storm water that's going there.

Jeff: Again that is Portage County Engineer, it's not something that we have control or effect on even at this point.

Gary: Am I under the understanding there is no garage there now, there is a double retaining wall and there is a water flow issue, is that correct?

Benjamin: Yes

Gary: If there was a garage what is that going to do with the water flow?

Benjamin: It's going to back it up in Joe's yard and my yard probably. That's why I let them have a variance for as long as possible to see what the water is going to do because, if you get two to three inches of rain, there is times that Brady Lake Road is closed. I mean closed and if they built a garage where's that water going to go? You are going to add more concrete you're going to add more, we don't know what's going to happen.

Jeff: You're not concerned at this point that what they have done to the house is going to create more.....

Benjamin: Oh, they have made major improvements, they have busted their butts, because this is on and off the record but, when that house set there idle, I used my time, my gas, my mowers to make that house look descend.

Jeff: I know I've seen someone out there chopping down those weeds on occasion.

Benjamin: I have done that year after year because three families have been lost, ruined, can you imagine having your home destroyed by water? There's where it goes back to the County Engineers what can we do?

Jeff: Again you need to address the county engineer's office with those concerns.

Benjamin: Right now let them have as long as they need because it is not going to affect me.

Jeff: Alright thank you for your input. Any other comments, questions from the Board?

Gary: Jim, I depend upon you because you know the resolution probably better than I do. I would like to know what page in the current resolution that demands that they have a garage. I could not find it.

Jim: There is no page that says they have to have a garage. It says a garage is permitted. The previous code required an attached or detached garage which is probably when the house was built. Our point is this was done without permits and we should have been approached about this kind of a change, the county should have been approached about building permits.

Gary: Building permits or demolish permits?

Jim: Building permits. The garage wasn't demolished it was just converted into a living quarters. The garage was totally enclosed and was given part of the house. There are two issues here, one is that the removal of the discontinued of the garage for a garage and conversion to living space. The second one is the water issue, if I can show you the top of the map the area. The house in question sits there (points to map) it is at the lowest point of this area, everything from Woodlawn, Brady Lake Road, and Roselawn feed to that spot. There is a covert that runs under the road and into Sun Beau and empties out into a ditch along the railroad tracks. We have attempted to put a sewer camera into that pipe.

Claire: Who has attempted?

Jim: We have, the Township, the City Ravenna has a sewer cam so we called them in and the County Engineer was with us too. We were able to get under Brady Lake Road but, we couldn't get any farther because of the debris.

Gary: Debris in the pipe?

Jim: Debris in the pipe that was still on the County right of way. So we ask the County to come back with their sewer jet plus they also need to rebuild the catch basin there at the corner, which has been done. The water that drains across here, in front of the driveway, at the house on Brady Lake Road, there is a catch basin in the middle of the driveway. One of the previous owners had run the pipe from that catch basin into the garage to a crock with a sump bump in it and there is no way on any place that I know that a sump pump can keep up with that kind of water. So it aided to the flooding of that. The new owners have since run the pipe out to the catch basin to the ditch. We went back out with the sewer camera the first part of this week, Monday and attempted to go through, there is still debris in the pipe and we can't get all the way through. Our guess is the blockage is from the County right of way to the ditch, but, we can't confirm that until we get inside.

Jeff: 6 or 800 feet probably

Jim: You're talking a good thousand feet plus. It has got to go all the way to this ditch. So the work they did to the house, my opinion, is they won't contribute or hurt the water problem. The water problem is it being able to drain off this property. That's another issue. My issue is they converted the living space in the house that was supposed to be there by a previous Zoning Code and there was no permits gotten from us. We found it. My opinion, as Zoning Inspector, is that garage should be there and it is up to the Zoning Board of Appeals to either affirm that decision or not.

Claire: That is because they didn't get a permit?

Jim: Basically because the code has said it is supposed to be there and it's my opinion that it should still be there.

Jeff: Thank you, yes, come forward please. Do you swear that the statements that you are about to make before this Board are the truth?

James A Bimir, 9113 Fewton Rd. Deerfield, Ohio I'm here with the Portage Sewer and Water Conservation District.

Jeff: And your comment?

James: The three owners that your referred to prior to these folks I have had an opportunity to meet with over my career all three experienced flooding issues the majority of the water, because we all know that area has water problem. The way that the house is built below Brady Lake Road and Woodlawn the water comes down the driveway, when the water starts to back up to catch basin in the road cannot drain from the driveway out floods through the garage and then there is a lower level in the house too that catches quite a bit of water at that point. By leaving the garage there and I have spoken to other people in the past that have owned it, one family they thought it was going to be their dream home and it ended up not being their dream home. I was as the same with those folks to eliminate the garage. I've been to this site and I believe everything that is done there is not going to impact the quantity of water in the neighborhood or the quality for that matter, but may help eliminate the flooding issue. If the garage is left there the way it's built, there is no way that it would be livable in my opinion.

Gary: You are speaking of the existing garage, you mean the converted garage?

James: Yes, if the garage is left and the wall is open the water comes right in.

Jeff: Ok, any other questions from the Board?

Gary: I'm a little confused the way the variance is written. Due to the noted storm water back up the issues on the property concluded but, not limited to damage clogged pipes and faulty drain. The system occurring downstream off site that slows any water flow from the entire up hill neighborhood causing serious backup, slow drainage and flooding at the property and beyond. We respectfully submit that requiring a garage of any kind at this particular property will only aggravate the storm backup problems and impede the water flow. I don't think, correct me if I'm wrong, that this Board is concerned about permits that were not acquired to convert it to a living space. I think this Board is concerned with addressing the variance request. The variance request is that they not be made to put a garage up and according to the July 16, 2009 resolution, they are not required to have a garage and unless someone can show me that number 824 in the previous resolution is Grandfathered I think we should grant the variance. That's my opinion.

Jeff: Are you making a motion?

Gary: I make a motion that we accept the variance as it is written that these folks not be required to build a garage. They can if they want to but they don't have to.

Remy: What about all the permits and.....

Gary: I know where you are coming from Remy but, I'm not sure that this Zoning Board is concerned if they didn't file a permit it is not our responsibility to make them do that. That's my opinion.

Remy: Jim, has the work been inspected, is it up to code did any of that happen? Now that we found it....

Jim: I don't know, I know that the Portage County Building reported a stop work order, I don't know what progress from there on.

Jeff: That is outside of what we would do.

Remy: This is in the conversion of the garage to a living space which removes the garage from the property. We are overlooking that to allow them to not have a garage which, there was a garage. That's where we are at.

Jeff: You are correct.

Claire: So if the work was stopped that means from this point on that will be inspected, right?

Remy: And appropriate permits.

Jim: That is up to the Building Inspector to do that.

Jeff: I'd like five minutes please, (after a 5 minute break)

Jeff: I would like to recall the order to this meeting. We have a motion before the Board to accept the application as presented to us. Do we have a second? Claire, I second it.

R/C: Claire Moore – yes, Gary Long – yes, Remy Arness – yes, Jeff Gaynor – reluctantly yes. Reluctantly, because it is kind of hard to believe that you folks didn't know you needed permits for things like this and admonishment is to before you do any modification, building or anything like that check in the future save yourself some possible troubles. So, your variance request has been passed there is a waiting period of which other interested parties could file an appeal pertaining to this motion that has been passed. Any action you take at this time are at your own risk we are done with you folks you can stick around or take off.

Jeff: Do I hear a motion to approve the minutes of the last meeting as presented to us?

Remy Arness: I so move. Gary Long seconded it.

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

Jeff: I don't see what else we can do, the folks have created a nice inhabitable house out of that and they certainly, and this doesn't make it right, they are not the only people to have modified their house without building permits etc.

Gary: Jim was going to report to us about how things were going with Jeremy, you were going to stop down and talk to him.

Jim: I stopped down and talked to Jeremy and have been approached by one of Jeremy's friends Monday who is trying to work with him on trying to get the vehicles out of there. I told him, well, we are past the point of trying.

Claire: Is that down here?

Jim: Yes, there is a letter being drafted to be sent out as a notice of violation tomorrow morning. Unfortunately it has to go to the property owner but, Jeremy will get a copy of it. So I told him, the friend that stopped me the other day is a longtime family friend and is trying to help Jeremy out because he is a little over his head. I told him this is what I told him he had to do. He has not done that so I told him that he has to put the amount of cars that they specified out there. The ones that are inoperable has to go behind a fence and the ones that are used out front for advertising has to go.

Jeff: And the sign?

Jim: And the sign, there is no permit for a sign, so that has to go too. That is what I told Jeremy when I went down to see him plus clean up the stuff around the parts that are laying out and he hasn't done that yet, so

Gary: Why couldn't the three vehicles out front been removed immediately?

Jim: I don't know. I told the friend the other day that he could have done that very easily and he didn't do it. If he wants to have a show room then he needs to rent the front part of that building and put his cars inside. But, the junk car sitting out front with no completed car isn't good advertising.

Jeff: Are they licensed or not?

Jim: No.

Jeff: So that's not legal to put them out there for sale on a private bases anyhow. What about the guy on the other end why is it that fence is nowhere near where his application said it was going to be. On the application it said that fence was going to be big enough to sneak a car through I think. Now the fence is way back

Gary: Don't forget he could not have it out there because it was beyond facing the building so he did move it back.

Jeff: That doesn't give him much room and he is going to be parking cars outside that fence I bet.

Jim: Well, if he does then he gets cited too.

Gary: I am very concerned above the square if that is what you want to call it, the square of Blackhorse. More and more in the last twenty years it is becoming to look like a junk yard. I was reluctant in saying yes when Mr. Condor was here last month. We don't seem to be moving on Jeremy and of course the place across the street is a mess and I'm just afraid we are looking at a junk yard as time goes on.

Jeff: It's looking worse, the whole place is worse.

Gary: Every week it looks worse

Jeff: Jim did all he could do as far as getting rid of those cars at Smitty's. Can't go up there and drive them away yourself.

Jim: I can send violations out until the cows come home and forward them to the Prosecutor's office and that is where the snafu is.

Claire: I don't understand that. Aren't they supposed to be working for us?

Jim: They are supposed to be working for the system.

Claire: For their system or our system or the county?

Jeff: It has been my experience, since I joined this board, that generally speaking anything that Ravenna Township ask for Portage County courts don't grant.

Jim: Then the problem we have had in the past was tough to follow up on this. I spend time sitting in the office on the phone trying to follow up and I write emails and all that

and if I want to try to buck a judge it isn't going to happen. I quit banging my head against a wall. The system is what it is and I have no way of changing it.

Gary: Should we, as the Zoning Board of Appeals, or anyone else, should we be pushing the Trustees to push this thing?

Jim: They are responsible to push it as citizens, you are tax payers you are paying taxes to the county for certain functions and they're not doing it and the Trustees there are not going to get anywhere. But a group of citizen's combines will get the Commissioners ear and start pushing. Chris Meduri does the best job he can, but he is one person to represent 19 townships. That's a tough job and Chad Murdock did it before and I think that is one of the reasons Chad left the county because he was swimming upstream. It just wasn't going to happen. The problem is there is not enough people to do the job.

Jeff: The board will entertain a motion to journalize tonight decision on BZA 2014 05.
Remy, I so move, Gary Long I'll second it R/C: Gary Long – yes, Remy Arness – yes, Jeff Gaynor – yes, Claire Moore- yes.

Claire Moore made a motion to adjourn, meeting adjourned at 7:42 p.m.

Respectfully submitted by

Carolyn Chambers
Zoning Secretary

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