

**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 June 11, 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.

R/C: Jeff Gaynor-yes, Remy Arness-present, Dorothy Griffiths-here, Gary Long –yes, Claire More-here. Also present were Carolyn Chambers, Zoning secretary and Jim DiPaola, Zoning Inspector.

Jeff: Record will show that we have a quorum under old business tonight is a variance application BZA 2014 BZA 04 for Joseph Condor. This discussion was tabled at the last meeting due to lack of information on the application that we were to vote on and we can't vote on something if we don't know what it is. So, we will start up again, will you come up here please so you can be heard by the microphone. Do you swear that the statements that you are about to make are the truth? Name and address please.

Joseph Condor, 657 Diamond circle, Ravenna, Ohio.

Jeff: The last time you were here, you were seeking permission to put an impound lot basically next to the building on route 59 and we had several questions we wanted to ask of you and now you have brought us the map of where the fence is going to be. You have marked on here 42 feet from here to the building. Joe ask his wife to step forward. I did the measurements and she did the map

Jeff swears in Felicia Condor, 657 Diamond Circle, Ravenna, Ohio

Jeff: You two run the business jointly or whatever?

Joe: I'm owner and she is my wife. She's the one that does the paper work.

Jeff: Your note says here 42 feet from road to building is that physical edge of the road?

Joe: Yes, from the tip of the curb to the street side and to the building.

Jeff: We don't have a note as to how far back from the same road as the same type of measurement would be the fence. This distance (points to the map)

Felicia: It is 15 feet from the devil strip to the fence.

Jeff: Ok, these are not technically precise measurements the things like this should come from a right of way and we never know for sure if the road is the right of way.

Jim: On that section we have always defined the edge of the curb as the right of way. When anybody on 59 from the curb portion in the town has done things that's what we used for the measurements.

Jeff: That's what you used because that's an existing.....

Jim: Yes, where it gets out farther where there is no curb and stuff it jumps back and forth, but where you've got a defined edge that's what we have always used.

Jeff: Good, thank you. So how wide is the devil strip? We don't know. Here's the question. You are not allowed to build the fence in front of the building now I know you might define the front as here, but what that means as far as zoning setback and such is that the fence can't stick out past closer to the road than the front of the building currently is.

Joe: No, it is not going to.

Gary: From your sketch it looks like it is.

Joe: This is the fence right here (points to the map).

Gary: And this is the front of the building?

Joe: Yes, the fence does not go out that far. If this was technically the edge of the building, the fence sets much farther back. When you are coming down 59 you can't even see this fence until you are right on it because it sets back. That's why when we were doing this we were discussing measurements and things weren't getting done, we weren't communicating back and forth right.

Felicia: So, wherever the edge of the building is the fence will be.

Gary: It will be back of the front, some place back here behind it.

Joe: Yes, much farther back.

Gary: That should make us ok here (points to the map) from here to here. Has to be 30 feet and the distance here to here has to be 30 feet from line of sight so we should be ok here. (Pointing to map).

Joe: Yes, as far as coming off of Short St. the fence is nowhere blocking anything.

Gary: So if you have 42 feet from Route 59, from the curb, which is the devil strip from right here to back here you have 42 feet, because last time you were here you mentioned that you were going to be about 4 feet from the side.

Joe: I meant on this side (points to map) but, you had mentioned that it should probably be farther away if vehicles were going to pass through. There is enough distance here. I didn't go all the way down. I made sure there was plenty of room.

Gary: You can't park anything on that sidewalk.

Joe: Right, there is no sidewalk there that was another reason why I decided to go up farther.

Gary: Where are you going to load and unload these vehicles?

Joe: Inside the fence,

Gary: Where are you going in at?

Joe: Right here there is a gate that is 22 foot opening for the gate.

Jeff: Near the fence on route 59

Felicia: Yes, on the Short St. side.

Joe: The other entrance is 32 feet that is why the fence goes in because there is also room for people to park there to go into the office that is why we made the indentation so people didn't have to walk all the way around.

Jeff: You don't have, well, they would have to come into the entrance for the overall parking lot.

Joe: The door is right here so you can get out of your car and walk right up the steps.

Jeff: I mean to bring their car in if someone was driving in. There is one cut in the curb and that is down here somewhere.

Joe: There is a cut here and that goes to the front. There is a cut here that will take you into the gate and there is a cut up there on the Hoover St. Everybody shoots down

through there. I was there the other day watching cars fly through there. A lot of people are using that for short cuts.

Gary: Your fence is six foot six?

Joe: It is six foot. No barbed wire just wood. If the 4x4 go any farther, I would make sure they aren't any higher than six inches higher than the fence. I do remember you mentioning that.

Jeff: Yes, six, six is the maximum.

Joe: I actually told somebody that because they were going to put up a, bigger fence somewhere around here and I said no six, six is what I was told.

Claire: You are not the owner, correct?

Joe: I am not the owner of the building, no

Claire: So then my question is why are we not dealing with the owner?

Jim: He's not here.

Claire: So if we were to ok this for him does that bring any issues?

Jeff: Mr. Condor owns the business

Joe: He is perfectly fine with it, he is actually trying to offer me chain link fence and I told him I didn't want it. He has offered to help install and I told him no, I am doing this one hundred percent myself. I don't want him any in involvement. He doesn't even want keys to the fence.

Gary: Do you have a long term agreement with this gentleman?

Joe: No

Gary: So it's month to month?

Joe: It is a yearly contract.

Gary: If you decide to leave in a year or the business dissolves in a year or he throws you out in a year, who's responsible for removing the fence?

Joe: Oh, I would remove the fence, removed the last fence that I had. As a matter of fact there is part of the old fence is going there, the gates.

Jeff: You were just on the other side if the tracks and so forth, why did you leave that place?

Joe: Just lack of communication. They wanted me to pay their bills for them.

Jeff: Isn't that what renters do?

Joe: Yes, but I'm not paying for everything.

Jeff: I can understand that. There will be no repair work done on the towed vehicles, is that accurate?

Joe: On the towed vehicles no, not as of yet and of anything comes of that I'll be sure to bring that up.

Jim: You could address that tonight too, because that is a conditional use for automotive repair

Jeff: You might work on your towed vehicles? Is there a place that you could work inside?

Joe: Yes, there is plenty of room inside.

Dorothy: The most you would do to your tow trucks would oil changes?

Joe: I don't even do oil changes, I take them to Kent. I have several friends with several shops and I just stop and order parts and do it there. Very seldom do I do any work at my own place.

Jeff: There are two gates in the fence?

Joe: Yes

Gary: Will there be any trucks involved?

Joe: What kind of trucks?

Gary: How do I answer this question Jim? What I'm looking at a 504.02 B5E motor vehicles sales repair facilities to include, but not limited to automobiles and farm equipment does that exclude trucks?

Jim: No, it says not limited to.

Jeff: Where are you?

Gary: 92 on the bottom

Jim: That covers motor vehicles.

Jeff: That probably is supposed to say not limited to, but it says nor limited to. I think there is a minor misprint in the book there

Jim: We can change that real easy. In fact the Zoning Commission is meeting in another week so.....

Gary: I made several notes and I am going to ask several questions and I don't want you to get upset with me but, we are trying to not have anymore no beautiful areas at that section.

Joe: That is why I'm going privacy fence and not linked fence because, you can see junk on the other side of a linked fence.

Jeff: You are not going to have junk are you?

Joe: No, I'm not a clutter bug, I can't stand.....

Jeff: These are vehicles towed for recovery reasons...

Joe: Police, usually in the school season, I go to Kent, I do have several properties in Kent but, most of those get picked up within an hour or five hours of being there.

Jeff: These are towed for parking violations?

Joe: Yes, parking violations, I do violations, I do Ravenna City Police, the Sheriff department but that is few and far. Ravenna is not the biggest place to tow cars. Lately I've been getting one maybe every two weeks.

Gary: We are not going to store only for impoundment reasons? We are not going to store boats or anything like that?

Joe: No, I have already had people ask me about that and I don't want this guy and that guy for the purpose of if I have to pick up and leave I'm not making all those phone calls to tell everybody to get their cars and stuff.

Gary: It appears to me that we are not going to interrupt any traffic whether it be automobiles, pickup trucks, motorcycles or pedestrians. Do you see it that way Jeff? I don't see where we are going to interrupt any of that.

Jeff: There doesn't seem to be any interruption, I suppose somebody could slow down behind them for a second on 59 but he would be coming in here

Joe: I would be making it a habit, even though there's no fence, to purposely to drive in to Short St. and drive in towards the entrance where the gate would be or up to where the other gate is.

Jeff: Do you or do you not tow vehicles as a result of collisions?

Joe: I do, those are very short lived they usually go within a couple of days.

Jeff: You are aware of the fact that you must not allow oil, gas or any other fluids to leak from these vehicles.

Joe: Yes

Jeff: How long have you been in business doing this?

Joe: For myself almost eight years. As far as the way the business runs I've had almost 20 years.

Gary: The only other thing I have. And I'm looking at Remy for his input, on page 131 where we are talking about it 1200.10 we are talking about outdoor lighting. In this particular area I'm a little concern about light pollution, light shielding from surrounding neighbors, and of course, I'm interested in anti-vandal lighting because we don't want sirens and red and blue light going off all night also. The intensity of illumination I am not adverse enough to discuss that but, I think Remy is.

Joe: The landlord is redoing all the electrical and we are finding out what goes to what. Whoever wired that place had the garage door wired to the office light. So he redid all that. He's got two lights on the building, they are the original lights that have been there. One of them has been on ever since he fixed it and the other has got the mercury where it comes on when it gets dark. So far, when I've gone there at night, it is not over whelming bright and it maybe goes 20 foot out into the parking lot maybe 30 foot. It just light up that one corner where the garage doors are and the office door is. It really doesn't go out to the street or 59. It's just noticeable if you go out from the road you can see if somebody is standing at the door or at the garage door. I didn't want to put a bunch of lights up to begin with I don't want a light shining in anybody's windows. I know the house that sits behind there was one of my concerns but, the trees pretty much block that lighting.

Gary: Yes, there is a brush row if I remember right.

Joe: Yes, I am planning on keeping that, I'm going to groom it but, I'm going to keep it. It didn't look obnoxious

Remy: So the lot right now is only partially lighted?

Joe: Yes, just on the building there is two lights that have been that for goodness know how many years.

Gary: This is where the ramp is?

Joe: There is none above the ramp and one kind of near the actual door.

Remy: You are basically 24 hour towing though right?

Joe: Yes

Remy: So how would you see the rest of your lot when you.....

Joe: When I was up there I didn't have any lights, you're just in there with head lights. I did have cameras and stuff at the other place.

Jeff: Security cameras?

Joe: I plan on having there because you can link it up to your house and I can see everything that is going on from your home.

Gary: You planning on doing the security?

Joe: Yeah

Gary: What, for the sake of estimation. You have a light here (points to map) and a light over the ramp, what, at night, after ten o'clock where do you think the area of light ceases here?

Joe: Right about in that area it's strong here (pointing to map) but as it goes out it fades.

Gary: Where are you planning on having most of you population?

Joe: Like up by the building.

Gary: If I remember right there is a street light or two out there?

Joe: I don't remember any street lights. I think it's on the other side...multiple people talking. There is one up by Hoover and 59 but, there is none down on that corner where I'm at. I think the old ice cream place that is on their building other than that it's pretty dark over there. I know when those lights weren't working that are on my building it was pitch dark in there.

Remy: What is the average link of time that a car would be in your lot?

Joe: Usually if it is a car that is a piece of junk that I get from the sheriff's department I could have it up to a year within 15 days I can start filing for it. The state has made it harder for us to gain title work. I usually don't have them there for more than a year. I don't get too many cars as it is that get to stay. The ones that are there now, ones an impound and the other two are mine.

Jeff: Who would you say are your competitors in the area?

Joe: Schumans, behind the old Cusak

Multiple people talking about where Cusak and Schumans is.

Jeff: Rivers doesn't do this sort of work anymore?

Joe: Oh yes, they do it but it's up in the air.

Felicia: Rivers has never been competition for you anyway.

Joe: The police don't even call Rivers anymore. They call us or Schumans.

Remy: You said you have two personal cars there is that something that your personal vehicles will be on the property?

Joe: No, they are just there until I figure out what I'm doing as far as, right now I'm keeping my impounds down at Ravenna Auto Body. They are good clients of mine and I don't want to put cars in there. There is a pickup truck down there that is going to go to scrap and I just have to get the dashboard out of it. It bugs me just sitting there. The one car is my sisters, I'm getting ready to tell her to get it out.

Remy: Ok, just temporary storage.

Joe: If you would imagine having a junk yard and that is not what I'm intending

Remy: I can see this kind of stuff escalate towards that.

Joe: The only time my lot is full is Halloween night towing cars out of Kent and they are usually gone by seven a.m.

Gary: You see where we are coming from on this?

Joe: Oh, yeah I can totally.....

Gary: I'm going to save that car and maybe I'll save my sisters car and then we will have something like what is in the backside of you.

Joe: That is not like me. My cars will be inside. There is enough room in there that I can have my personal vehicles that I very seldom drive in the corner outside. I don't even want my tow truck sitting outside and if they are it is just during the day time and at night time they get put away.

Jeff: You have that much room inside for working in there?

Gary: I went through what we call page 58 and 59 in the regulation and I went through those to see what the prosecutor might nail us on and I only found one will the variance adversely effect the delivery of governmental services. Primarily I'm interested in, do we have good access to the property, the cars in there, your office, whatever via the fire department and even when you are not there. They can get in?

Joe: Oh yea, sure

Gary: Inside, and it's not mandatory, but I would hope you would keep a lane where they would get a piece of equipment close.

Joe: Along that fence, the outer fence, I plan on putting fire lane on the outer part, not like right here (pointing to the map). I don't want people parked up against there anyways.

Jeff: This area along here (points to the map) is paved right?

Joe: Yes,

Jeff: The Board is going to take a 5 or so minute recess.

Jeff: I will recall the meeting of the Township Board of Zoning Appeals. The chair will entertain a motion pertaining to the application before us this evening.

Gary Long: I will make the motion but had one question before we do it. We were discussing noise control. Primarily interested in what's going to happen on Halloween night because you are probably going to be in and out of there.

Joe: At maybe 3 or 4 hours it is not really noticeable, we have never had any problems before.

Gary: Like sirens and.....

Joe: Oh, no, there will be nothing like that and there are no beacons running in the lawn. As soon as we get off the street we turn all of that stuff off.

Gary: And you do all of the loading and off-loading? Do you have other people working for you?

Joe: Yes, and right now it is just me.

Claire: Is it a tow truck a ramp truck?

Joe: A tow truck, a flatbed

Gary: I would like to make a motion, Mr. Chairman, to approve the 2014 BZA 04 for Joseph Condor for his towing service with a few stipulations. That within thirty days, because the map that you drew for us is just not clear we would like to have a more accurate map of the property, where the fence is, the face of the building and the standoff of the fence, we would like to have that within thirty days if you could do that and just forward it to Jim, Jim will take it from there. The second thing no vehicles stored outside the confines of the fence at any time, except for customer service vehicles such as the sheriff or a customer that has come to get their vehicle out of there. When the lease is up or you decide to dissolve the lease for whatever reason, we would like that fence removed within 60 working days.

Remy: May I pause the motion, Jim do you have any concerns or issues that we may not have addressed?

Jim: No, I don't and whatever you guys come up with I'll work with him when he gets and idea of where the fence is give me a call.

Jeff: We just want a little better map ascertaining that the fence is not in front of the building at all. That is for future reference for when we are all dead and gone.

Remy: For customer parking with lines

Jim: I'll make sure all of that is in there because it's a mixed used building they have apartments and the apartments that are upstairs have to have two spaces per lot and that's basically up to the owner to lay all that out and I need to get with the property owner of the overall scheme of the building.

Claire: So all of that is just going to fall under the regular zoning.

Jeff: We need a second please

Claire: I will second the motion.

Jeff: Will the secretary take the vote please? This is the motion to approve the variance with the stipulations.

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

Jeff: Your application has been accepted with these stipulations. There is an appeal period of which any interested parties could appeal our decision and any actions you take during that time are at our risk. The appeal period is 30 days

Joe: The elderly gentleman that was here last month, his only concern was that we weren't going all the way out to the road with the fence.

Jeff: That was my thought also because the lock looked fairly small to me and I thought you would need that much space. Ok, for now you are done you can stay but, we have a couple other things for the Board to discuss.

Jim: Now you get to make a Zoning Application from our office and that's where we give you your certificate.

Joe: So come down to see you?

Jim: Come down and see me again.

Gary: We are going to be discussing some old business that you are going to see some improvement to the entire property after tonight.

Joe: I have discussed with him about painting my section of the building and it's just going to be like white.

Jeff: Your building has had kind of a rough life. The Chair will entertain a motion to journalize the motion that we just made.

Dorothy: I so move

Remy: I second the motion

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

Jeff: I would like to hear a motion of approving the minutes of our previous meeting as presented to us.

Gary: I move that we accept the minutes as stated.

Claire: I second that

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

Jeff: We have some other business we would like to discuss at this point.

Gary: We requested at the last meeting that Carolyn retrieve the minutes from BZA 04 2009 for Joe Rock and Jerimiah Smith that owns and operates the Smitty's repair shop there on 3348 St.Rt. 59. At that time we talked about fencing in the area and it has not happened we also approve that Jeremiah said that there is only one person working there and probably not more than two vehicles being restored inside the building and possibly one or two repairs outside the building. I have been monitoring the property for about 3 months not on a daily bases but, at least four times a week. I have never seen anything less than eleven vehicles there. I have counted as high as 23 vehicles Sunday when they wasn't even open and as of Monday there was a very old truck partially restored and they had a sign on it that we do wrapped repair, whatever that is, sitting out at the corner of the building and quite frankly I think it is become a junkyard very rapidly and based on what

we have told our new client tonight on the opposite end of the building about fencing and keeping things proper and tidy we need to address that.

Jim: Now that you have made your decision for this gentlemen. I'll go down and talk to Jeremiah.

Gary: I don't know if it's in order for us to even say that it needs to say that it needs to be taken care of within 60-90 days or not. I don't think we are in a position to do that. But, you can do that. If he wants more than the two vehicles, of which the minutes state, then he needs to bring his bucket back here and ask for another approval. But 23 is a bit much.

Jim: I'll take a copy of that tomorrow when I go to talk to Jeremiah and tell him that Joe got his conditional use and now he's got to do what Joe has to do. The agreement of how many vehicles.

Jeff: Yes, that area is sort of the first thing you see as you come into the city.

Jim: Jeremiah was doing alright for a while but, all of a sudden within the last six months.

Gary: In a group. The group has discussed this and we do not want him to leave. He's got a pretty good business there it seems like he's successful, but we also have to pay attention to the needs, the wants and desires of the new rule. The owner, I don't know how to do that, but I think the owner needs to be aware of what is going on.

Jim: The owner will get a meeting.

Jeff: Nothing much we can do with the folks across the street is there? It just looks terrible.

Jim: I am going across the street and write them a citation.

Gary: Jim, so we will have it on the record, could you make it a point to report back to us at our next meeting as to the progress of all three meetings, the one with the owner, the one with Smitty's, and the one with the people across the street.

Jeff: Sometimes we make decisions and it doesn't seem like it did much good, they kind of ignore us like the fellow down the road he is supposed to get a garage four or five years ago. The house at the corner of Brady Lake and Woodlawn no longer has a garage.

Jim: I am dealing with that, they did not fill out any building permits or anything and they did a lot of stuff. The owner of the house is aware because she showed up at a Township meeting. She is aware that she took the garage away and didn't check. So I told her the garage has to be put back and I'm going to write her a letter giving her until August 31 to put the garage back. She has not pulled any permits.

Jeff: She could build a garage behind the house, I think.

Jim: She could put the garage anyplace the side or rear of the property as long as she meets the setback requirements. We are addressing the drainage issue in that area.

Jeff: I can't imagine anyone bought that house.

Jim: I can't imagine that they let them. I got ahold of the map today that shows the land contours, the lowest place in that plain is where that map sits. That, at one time was a wetland.

Jeff: Today they wouldn't be allowed to build there.

Jim: They should not have been allowed to build there when they did. We've got all kinds of problems between Sun Beau and the neighbors and everybody. There is allegedly a line that runs underneath Sun Beau that is a storm drainage. But, when that was done by Sterling Smith or people that came in after them. There was never any

recorded easement made for that storm sewer and therefore the county, the township, we don't have any authority to go on to that property and do anything. But, nothing says that we can't borrow the camera from the city that goes into the sewers and start on that side of the road and go look. I found out today that either water resources or the other office soil and water office, one of those two of those offices, because of the new storm water fees that we are all paying something in the Ohio Revised Code that one of those entities doesn't need an easement to walk on a property if the water backup from that place goes across the road.

Gary: I'm surprised that they are not being cooperative with you.

Jeff: Anything else pertaining to the meeting to be discussed? I'd like a motion to adjourn then.

Claire Moore made a motion to adjourn, meeting adjourned at 8:00 p.m.

Respectfully submitted by

Carolyn Chambers
Zoning Secretary

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