

***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 June 12, 2013 at 7:00p.m. at the Ravenna Township Trustee Meeting Room at 6115 S. Spring St., Ravenna, Ohio 44266.

Jeff Gaynor brought the meeting to order at 7:05 p.m.

Roll call was made with board members present: Jeff Gaynor, Dorothy Griffiths, Gary Long, Remy Arness, Claire Moore, Carolyn Chambers, Zoning Secretary, and Jim DiPaola, Zoning Inspector. Absent was Alternate Tom Proctor.

On the agenda for the evening was Resolution 2012 BZA 02 for Conditional Use of property located at 2904 St. Rt. 59 for Edna Starcher, Ravenna, Ohio 44266 for Planned Building Development.

Variance Request 2012 BZA 03 for Cost-U-Less Storage, Edna Starcher, 2904 St. Rt. 59, Ravenna, Ohio for an off premise sign to be attached to a commercial building.

Jeff Gaynor reads the Resolution and asks if Edna Starcher is present.

Jeff swears in Edna Starcher.

Jeff: What is the nature of your request?

Edna: For a site plan and a variance for a sign

Jeff: Two things. The conditional use request

Edna: Retail business

Jeff: Have we seen appropriate site plans and so forth for that.

Jim DiPaola: We have the site plan for that but, it is kind of missing some things.

Jeff: Can we take a look at those there?

Edna: Sure, you want the site plan? Still the same nothing changed

Jeff: This is your purposed building?

Edna: This is our purposed building at the beginning. These are our six buildings and as of Monday was our final inspection from the building department, we passed, we are finished within our five year limit.

Jeff: I have neglected another question which I would like to ask. When we last met there was a court case pending between you folks and Mr. McGee, has that been settled to every ones satisfaction?

Edna: No,

Jeff: No, what do you mean?

Edna: It has been a year and exactly year and six months we have not heard anything from judge to decipher.

Jeff: So that same court that caused the suspension of the meeting last fall is still pending?

Edna: Would that have any barring? Even though he's filed a suit against us claiming he has a easement, which we know he doesn't have one, would that have any jurisdiction on our property? The reason being, we have six buildings already there. Even if the court system was to find this so called easement that he had, he has no documentation no records no nothing filed. Let's just hypothecally say if the judge say well, maybe I do find an easement, he's either going to go to the right or he's going to go to the left. They're not going to bare down into the middle of our property and tear our buildings down, or he might.

Jeff: He doesn't have site a specific location for his proposed easement?

Edna: This is what he has, this is the original document filed at the courthouse in the year of 2012. Here is me, (points to the map), here is Doug McGee, (points to the map) and here is the YMCA, (points to the map), I have water and sewer easement right here (points to the map) legally document right here (points to the map) there's no easement on that property anywhere at the courthouse anywhere that I looked for. This is the only thing recorded. Doug McGee, just two years ago deeded off ten acres from the YMCA and put it in his name and ran it right along our property.

Jeff: That would be over here then? (Pointing to the map)

Edna: Clear over here (pointing to the map) this back here and all this back here he deeded ten acres to himself in his name. We are thinking, if you look at it that would be his road going in here if he doesn't get granted a easement. This is my deed when I bought the property. My deed and what we discussed in front of the judge and the judge ask Mr. McGee just like this. Why is your deed Mr. McGee so different from Mrs. Starcher. If you read McGee's deed right here between him and Frank Meduri, down here, Doug McGee and Frank Meduri made a mutual agreement back in the year 2000, recorded right here, this is all you'll find at the courthouse. That they would start a driveway within three years of this deed. Somebody had to start it and someone had to finish it. Neither of them did nothing until I came along in 2008 and we are as baffled as you are. Judge Lori Pittman denied their summary judgment. We got a letter of denial.

Gary: Denied whose?

Edna: Theirs

Gary: Theirs being McGee?

Edna: McGee, saying they have to come up with more evidence of an easement and that is all they had.

Jeff: How can an individual file a summary of judgment?

Edna: No, he didn't. We went to court and on the first summary judgment that you get when you go to court, the judge will rule on your first one weather they are going to keep it in the courthouse they will say you don't have nothing but, she says I'm giving you time to come up with more prove that you can show me that you have an easement on that property until then you are denied. You don't have no easement that's why we are in a civil court right now with Judge Enlow and nobody's made a decision yet and we are just as baffled as you are. He told them to come up with more evidence and they didn't.

If you would like to read the document you are more than welcome to. This paragraph in here that is in question.

Gary: Do you have any written documentation from Lori Pittman?

Edna: I didn't bring it with me, I do have the denial. I can run home and get it I just live a minute away. When I first bought this property, McGee sent me all kind of letters in the mail, saying hey, I got an easement on your property if you just go ahead and sign right here we can get this together and I can get me with my easement. Then on the next page, I have kept all the documents I've collected from this gentleman took him to court. Then on the next page he says I'll show you where my easement is, I'll get that from the courthouse. D&C. that never came because there is no D&C if you go back to the courthouse look at my deed that I bought off of Frank Meduri, Doug McGee sold it to Frank Meduri. Frank Meduri had it up for sale through the realtor of ReMax. We went to ReMax, if Mr. Frank Meduri would walk in today and I couldn't tell you who he is I never met him. Our realtor even was in the court, and whole bunch of other people to say there is no easement on that property. Because a legal binding easement you have to have pins boundaries documentation.

Jeff: Ok, we understand you don't feel there is an easement. Any other questions from the board members on the easement at this point?

Edna: Here it is right here and there this was recorded back in 2000, that's the only thing that he can come up with. What I would like to say is and it's nothing against the zoning, building department, nobody but, if we all stop to think about it you can't build on an legal easement and my engineer, Joe Mosinski is not going to jeopardize his legal stand that he's been engineering the last forty years of his life to build on somebody's easement cause he as well would have gotten sued and lost his license. Now I have got six buildings.

Gary: So did somebody give him authorization to do that building?

Edna: Who?

Gary: Your contractor or your surveyor

Edna: Our engineer? There is no easement, nobody can find one. He went to the courthouse to search and nobody can find our blueprints. He titled search it. There is no easement, if you can't find an easement there isn't one.

Gary: That is one of the things this board is looking at, if we grant you this thing and then Mr. McGee decided he is going to press charges or file a law suit guess who is going to be involved and if we go the other way guess who's going to press charges and get us involved? I'm looking at her.

Edna: To tell you the truth, I'm not in this to press charges against anybody. I'm just trying to be just as human as anybody else in here. We set out to do this, we did it. We didn't hassle about it, our five years is coming up and we knew it, it was just around the corner and we knew it and we did it. Me and Ted did it, five years, the two of us put this together.

Jeff: Let's say you make this building as it appears on this plan here. Is there room for his easement if it should occur?

Edna: Yes, he could go to the right or the left. If you look here to here (points to the map) and right here Doug McGee's property begins. This is what he is wanting all the time, he is fighting in court. He wants this side of our property and you got to understand we just put all this concrete in, why not go for the gusto. They already got it built.

Gary: Don't we have a wetland issue here too?

Edna: We are not near the wetland that is Doug McGee's property there to the right

Ted: There is a twenty-six foot driveway on the right and a twenty-six foot driveway on the left. There is two driveways that we had to go to ODOT to get approval through the State of Ohio to even put the driveways in they put the one approach in and we put the other approach in and they both are existing. The one closes to Kent hasn't been put in because we don't have. ... there is no point putting it in until we put the building up front in.

Edna: If nothing comes of it we're just going to make it outside parking. What more use is this land going to be to us? I'm paying taxes on all of it. Now each building that gets build the tax man comes out and accesses the building and I pay my taxes.

Jeff: Is twenty-six feet enough Jim, for the fire department to be happy with that road.

Jim: Twenty-six foot is what is in the Zoning Code

Gary: And that is what's on there?

Jim: That is what the Board of Zoning Appeals gave to the code.

Edna: We were just up to the fire department two weeks ago to talk to Mr. Boso . I have a legal easement of sewer and water which I just had it surveyed by my engineer, and it's all legal and he staked it out for us and we do have sewer and water access. I went up to the Chief and ask him where he would like the fire hydrants and he explained to me where he wants them. (points to the map). We told him he was more than welcome to do what he has to do.

Gary: You have pressurized water out there now?

Edna: No, we have no water, no electric, I have been using a porta potty for five years and this up here would be one of my offices then I can get rid of my porta potty. When we first build this, we went down to the state of Ohio because no one would be living here and people would are renting, their unpacking and moving on. So they gave us approval for a porta potty.

Jim: I think that was a limited approval.

Gary: This is going to be a commercial building and you have no sewage?

Edna: Oh, yeah we do in the back. We are running our sewer and water up here in a couple of month. That is why I went to the Chief and ask him where he would want his hydrants and he said here and here (Points to the map). He would like it 300 feet from the property line and 300 feet from the other one. He would like it right in the corner of our property if possible should he need it for the surrounding areas cause no one has sewer and water there on 59. He was telling us about the brush fire across the street not too long ago.

Clarire: What is the building going to be?

Edna: Passes out pictures.

Claire: So it is going to be a strip mall?

Edna: A tiny strip mall. One is going to be my main office to Cost-U-Less Storage. The next one is going to be mine; I'm going to open a thrift store. Everybody that leaves all their stuff behind, I'm going to open a thrift store. A lot of people just don't care about their stuff and you wouldn't believe, being in this business, they just leave it and never come back for it.

Jeff: That doesn't mean post and beam pretty much does it?

Ted: Yep, pretty much

Edna: It's more economical. It's the same thing Wal Mart has. It kind of looks country where we are at.

Jeff: Post and beam ok for a commercial building?

Jim: You would have to ask that of the building department.

Edna: Yes, we did.

Jim: They have to approve the plans for the building. They will tell them if they need to have sprinkler and everything else.

Jeff: What is the overall length?

Ted: 340 feet

Jeff: The store front only facing the road.

Edna: Correct.

Jeff: 340 feet. What is the size of this tall part?

Ted: That is 35, 30 that is just to give it a little character

Gary: Do you have any potential renters:

Edna: Yes

Gary: How many?

Edna: Two so far. One is going to be our attorney and her right there, Mary she is opening a salon and the other ones we will put up for rent. Which I don't think we will have a hard time. A couple of people already have approached us.

Gary: So how many do you have no commitment for?

Edna: We will say 3 quarter because, how the building is going to be, it's going to be all open if somebody wanted they could take lifts off the building it is standard in all buildings like you see at Wal Mart some of them are empty some of them are not.

Ted: It's approximate where the doors are going to be.

Edna: It does look big on the blueprints but, in realistic it isn't. That's why I took pictures.

Jeff: You have sufficient parking to meet the Township zoning requirements?

Edna: I believe so.

Claire: Jim, I have a question for you. You said that the site was incomplete? What's missing?

Jim: Well, these are the drawing I got and I guess they are using the site plan for the storage units as part of their presentation. Because on these plans it doesn't show where the utilities are going to be hooked up, it doesn't show any plan for where the wetlands are on this, where the storm drains and water drains, it doesn't show the cross section of the asphalt driveway or the hard surface in the driveway and that is all things that is required for a conditional use.

Ted: I thought we gave you a copy of that.

Jim: That was with your storage sheds.

Ted: I thought we gave you a copy of that when we came in.

Jim: You have to ask them if that can be submitted now.

Edna: Can this be submitted now?

Jeff: But, it is incomplete right?

Jim: My drawings I have are incomplete.

Edna: Ok, his drawing he has here are incomplete and I understand what Jim is saying. But, this one is complete and it does show our wetlands and land.

Jeff: Does it show your drainage system from your parking lot and where that's going to go?

Edna: Yes, this is all in.

Gary: Are you telling me that is gravity fed from your pickups to your water basin?

Edna: All of them.

Gary: It's all gravity?

Edna: Yes, all of these are in. That's a retention and this is a retention over here. (points to the map). So everything that drains off these building, all these are in and they run great and everything is good. So all the water that comes off these buildings runs to the back. Now we got it all the way, when you pull into our driveway, it runs right through here (points to the map). The only ones we don't have in yet is because we haven't gotten approved, but everything else is in. Joe did this for the water runs off to the back and we did put another one up front ODOT required us to do so for the driveway. We put that in at our expense for ODOT and they approved our driveway over here.

Jeff: Any other questions or comments from the board? Do you have anything else that you would want to add to this? I will swear you in if necessary.

Swears in Jim DiPaola, Zoning Inspector for Ravenna Township.

Jim: In the mail today you guys received a letter from the other attorney. They weren't able to be here so they sent this in and this is the first time I have had to get it to you since it just came in the mail today. Passes out the letter. That is what they had to say about it.

Edna: This is all hearsay, that's my opinion.

Jim: Well, you have yours and they have theirs.

Edna: I know I'm just saying this is all hearsay.

Jeff: Your property is not on the wetland, is that accurate?

Edna: Correct

Jeff: This extra stretch that he owns over which is not part of our consideration this evening is wetlands.

Edna: No

Jeff: No

Edna: Nope

Jeff: That is not really ours to make that was just for my own information.

Jim: The only concern from my office is the no drainage will impact the wetlands. That is the concern that I have to be aware of. It doesn't show anything that the retention pond is draining into the wetlands.

Edna: No, it's not.

Gary: It is usually designed around a hundred year flood so chances of it happening is....

Ted: When Joe designed that he designed it for the front building.

Jeff: Well, if we were to give you approval on this tonight and you were to build, you would still be, of course, be subject to any future court ruling and it turns out that Mr. McGee does have an easement.

Edna: I am willing to....

Jeff: You wouldn't have to be willing to, you would have to

Edna: Put it this way, I would have to go with whatever the judge orders. But, I want to say something when the judge does order and show it be on McGee's side I will take it to a higher court, because he has no easement.

Jeff: Well, don't say anything yet, ok?

Edna: He couldn't prove it then and he can't prove it now.

Gary: I don't want this board to be remiss in making a decision for yay or nay

Jeff: The problem, I understand your concern here. But all of the storage buildings are there.

Gary: I know

Edna: Not in my lifetime the buildings won't come down. They are not going to bore right through the middle of my property.

Jeff: Now you are contradicting yourself.

Edna: I know, I'm just a little upset with all the upper parties

Jeff: The board is a little upset too. When we last spoke last fall we wanted this to come back to us when things have been resolved but they have not and yet here you are. It leaves us really uncertain as to what to do.

Edna: Ok, like I said before I am not out to sue anybody nor am I out to sue the city, county, Zoning, building or anybody else, never and you have me on record.

Jeff: Anybody else has an opinion on this or would you like a minute to check out the plan?

Jim: I would like to give you guys a letter from my office. Passes out a letter from our office.

Jeff: Ok, You are basically speaking that the paper you have their lacks a great many details that need submitted.

Jim: Yes, this one that I have here was submitted to the office

Gary: Is that the original or did you just receive it?

Jim: I have had it since day one of last year.

Gary: So everything we are discussing right now is in what?

Jim: It is suppose to be on this drawing.

Gary: Ok

Jeff: When did this drawing come about?

Jim: A long time ago, it was with the original BZA approval, the original site plan for the six storage units.

Edna: Correct, it is and I'm just a little confused, Jim is right. When I came in for this one, this site plan I thought, it's my mistake that I gave four of those and I must not have. It's my mistake.

Gary: What's the date on that Remy?

Remy: April 2008 revised October 2008 that's the last revision on this.

Gary: This is the one that was issued to us on the meeting that we had last year at this time and it differs from that. That's why I ask you what's up to date and what's not up to date. This was of the last meeting and that came tonight.

Edna: Let them discuss what they need. Because I think I know what happened here, it's my fault it's probably the one that I wanted I grabbed the one away from the beginning when we were trying to work something out with McGee. At one time we were willing to give him an easement until he wanted more and more from us.

Gary: Mr. Chairman let's have a recess

Jeff: Yes, give us five minutes or so.

Jeff: Back from recess. Ten items that we need based on the fact that last October I told you that we weren't going listen to this until the court case was settled and it is not, I

make a motion to deny your application for 2012 BZA 03. Claire second that. R/C: Claire More-yes, Gary Long-yes, Dorothy Griffiths-yes, Remy Arness-yes and Jeff Gaynor-yes Request has been denied. This makes the second item that comes before us tonight moved

Ted: So do we come back in here?

Jeff: You come back in here when the court case has been settled and when you've met the requirement from this letter for the requirement on your site plan.

Jim: From the period of the date of denial there is a waiting period.

Edna: Even if we get a letter from the judge on whatever decision he makes. We'll not build it this year anyway. We are finishing what we have.

Jim: When we send out the notices and the copies of the minutes and everything and copies of the paper work they have we'll make sure we put in the section that says how long before you can reapply.

Edna: That's fine and I'm satisfied today because I understand the position you are in. Because you never know who is going to sue anybody because I never thought I'd find myself in this position with the gentleman that I'm being sued by. So thank you very much for hearing me and we'll be back.

Ted: What about the sign?

Jeff: The denial of the building makes the sign issue moved at this point.

Ted: We were wondering because there has to be some kind of description of where the sign was on the building. So we were going to suggest that we would put it out by the road.

Jeff: You would need approval by ODAT for that sort of thing

Ted: We got it.

Jeff: You have approval by ODAT for approval for the sign by the road?

Edna: I got approval until 2014. We'll check back in with you guys. But I have to be in the Zoning code as well with them. We discussed that last time with them. Because I know somebody had a issue with concerns of it being distracting because of it being off the road and on the building so we come to the conclusion that, you know where the sign sits now in front of our property? It will be there as to opposed to where we were going to put it, right where it is

Jeff: The ODAT letter says 85 feet from state highway right of way.

Edna: We can take it back. Somebody had a concern with it being on the building. So I will tell you what, let's not even discuss the issue until after our law suit. That's the only thing I can say.

Jeff: That sounds reasonable to me.

Edna: Ok, so we will be back when we get good news.

Ted: Let me ask you this question. Let's say he doesn't have an easement but, obviously he's going to appeal it. We can't come back in then?

Jeff: It's still an open case

Ted: We can't get the judge to make a decision

Jeff: Well I'm unable to assist you with the judge, unfortunately. It seems like it should be a black and white issue.

Edna: Right, Oh, well, thank you and have a good night everybody.

The sign issue was discussed.

Jim discussed how when anytime the board hears a request for a site plan review I am going to ask the people to take out a performance bond and when I discussed it with Regional Planning and their of the same thing that maybe we need to consider putting that back in the Zoning Code, I said well we don't necessarily have to put it back because the BZA has the ability to add that. So I said out of my office it is just going to be standard for me to say that we would like for this to be included.

Jeff: Please keep us apprized of that so that we don't forget to do that.

Jeff: We need to journalize the decision we made tonight. Do we have a motion to journalize the 2013 BZA 02? Dorothy Griffiths made the motion, Gary Long second it. R/C Remy Arness-yes, Dorothy Griffiths-yes, Jeff Gaynor-yes, Gary Long-yes, and Claire Moore-yes. Decision journalized.

Minutes from last month's March 13, 2013 minutes. Remy Arness made the motion to accept the minutes. Gary Long seconded it. Motion passed. R/C Claire Moore-yes, Gary Long-yes, Remy Arness-yes, Jeff Gaynor-yes, and Dorothy Griffiths-yes. Minutes approved.

Remy Arness 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