

***RAVENNA TOWNSHIP  
BOARD OF ZONING APPEALS***

*JEFF GAYNOR, CHAIRMAN, REMY ARNESS  
GARY LONG, DOROTHY GRIFFITHS, AND JIM ACKLIN*

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The Ravenna Township Board of Zoning Appeals met June 13, 2012 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 7:00 p.m.

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

On the agenda for the evening was Variance request 2012 BZA 02 for Conditional Use of property located at 2904 St. Rt. 59, Ravenna, Ohio 44266 and Variance request 2012 BZA 03 located at the same property, 2904 St. Rt. 59, Ravenna, Ohio 44266.

This meeting was taped, but the recording machine malfunctioned and the first half of the meeting was not recorded while Edna Starcher and Ten Wynns were sworn in and lives at 3173 Brady Lake Rd. Jeff Gaynor had asked them the nature of their request and they both elaborated on how they wanted to build a commercial building in front of their storage unit and rent them out. They also wanted to put up an off premise LED sign on the building and rent that out to other businesses for advertising. They also stated there was no easement for an access road on the adjoining property.

The tape picks up with Doug McGee, address P.O. Box 1121, Brady Lake, Ohio 44211 speaking after being sworn in, asking his reference without going into the court case that is pending on this property

Doug: I can reference the statement that was made that there is nothing recorded. In the deed itself it records.....

Jeff: That's up to the judge to decide. That's not our decision here. As a neighboring property owner.

Doug: The main issue is our access, that's not just my 10 acres in the back there is also 40 acres owned by the YMCA, I used to own this frontage piece and when I sub divided it I gave myself and the YMCA an access easement so we could put in a public street which requires a 50 foot right of way. In addition to the zoning standards you require 20 or 25 feet back from a wetland and you notice it doesn't even show the wetland there so you can't even see it. So we had our engineer put together a drawing that shows a public road which follows the public road, not just the construction of strength of the street but

the layout, you know you can't have to sharp of a curve when you're putting in a public street and this isn't wide enough and it isn't the right location and we expect when the Judge rules that they would have to actually have to take down some of the units cause they are still building, they don't care. What the judges says, I know you don't want to get into that, anyway, the point is the access, that we have and I used to be director of the planning commission so I know the sub regulations so I was real familiar with it when I sub divided this property. Got the approval for it, put it in the deed and they have just ignored it. As you can tell they were just sitting here saying there is nothing recorded, well, I can show you the deed that shows that there is an access easement and the location of it is the only debatable part because we wrote it up, because the Meduri's who originally bought it weren't sure where they were going to put their buildings. So I said well then we'll just say the location will be mutually agreeable. Well then the Meduri brothers got into some battles and they ended up having to wrap up their business and having to sell off at an auction and that was unfortunate for them and their family and for me and the Y because they are putting this in and acting like there is no access easement and can't allow us to go through there with a public road and that's what we wrote in the deed. So this layout that you see doesn't allow for that and I object strongly because we have it in the deed and we need the access to use our property in the back.

Ted: Can we see it?

Doug: You've seen it many times

Jim Acklin: That is pretty much what the court case is about so beyond that we are not here to hear about that.

Doug: That's all I have to say then, don't want to take anymore of your time. I am representing the Y also I am chairman of their local board.

Jeff: Thank you, any other questions then the chair will entertain a motion.

Ted: I would like to say one thing.

Jeff: Yes, come on up.

Edna: Let me speak first, I think we all know the rules and regulations of the land here if we had an easement we wouldn't be into this mess anyways, so there is none for the record. Too, the project that we are presenting here is for the safety, health and welfare for the people of Ravenna Township. I have lived here all my live, born and raised in Mantua, Ohio I come from a small town, but we know that we all stick together and we all look forward to the good of the communities, I hope. That's why I'm presenting what I'm presenting. If you are asking me to wait for that court date, I'll wait for that court date but I'll be back for my plan. Like I said, if there is an easement and everybody knows if you have an easement you go on it regardless weather you have prove or no prove. An easement is an easement.

Ted: My opinion is the layout of that building has no baring even if they were to give him an easement there are two entrances, one to the right and one to the left if you look at them they have been established by ODOT there never was a road down the middle there was nothing otherwise ODOT wouldn't have gave us the ok or the permits to put those two driveways. Now say he does have an easement it's going to the left or it's going to go to the right it doesn't have any bearing on the location of that building in the front.

Jeff: Here is the problem with the Board. We are hearing different sides of this, we don't know. There is in fact a court case that has been proven it has been presented to us this evening and action by us at this time would not be appropriate.

Edna: I understand and I would like to say one more thing.

Ted: My opinion, as far as I'm concerned it will go on until I am dead. There will never be nothing built there if that's the way you people feel.

Jeff: We have a legal obligation.

Ted: You do have a legal obligation and we are not encumbering in anybody's right of way we are building a building that is in the middle of that property, there is a driveway on the left hand side and a driveway on the right hand side. There is no driveway in the front. Where that building is located has no bearing at all where a road goes. You are trying to hypothetically, I understand where you are coming from, you're sitting here telling me about this LED sign really discuss me. Because they have LED signs going up and down the road everywhere, well then you need to take them all out, take them all out. If you are going to discriminate you need to discriminate against everybody. You can't just discriminate against a certain person in the community.

Edna: The working class people. But anyways, what I was going to say. He just gave you a letter from his attorney; I don't think is permissible to you guys because you're just sitting her telling me you are waiting for the judge. I can bring you a letter from my attorney too.

Jeff: We just wanted to look at that and see that there is in fact a court case.

Edna: Ok, I thought maybe there was something in there you were going to hold against me.

Dorothy: We are not making a legal ruling.

Edna: Ok

Jim Acklin: I would like to make a motion that we table Variance 2012 BZA 03 and the 2012 BZA 02 until the outcome of the final decision made by the courts on the easement access. Jeff Gaynor seconds it. R/C Dorothy Griffith-yes, Jim Acklin-yes, Gary Long-yes, Remy Arness-yes, and Jeff Gaynor-yes

Edna: So I just come back when I get the final decision from the judge.

Jim Acklin: You might want to look closer at there is no, you're telling me how far away this is from the road, I need to know that.

Edna: It's on that other one.

Jim Acklin: I looked on a bunch of them and it doesn't say anywhere

Edna: Where's the one that you have folded up? That's got all our pins and boundaries like he was asking boundaries.

Jeff: I couldn't find it on that one either.

Gary: Drainage?

Edna: Drainage, there all ready is we have all our sewage in.

Jim: Listen, hold on. I'm just telling you some things to bring back to the meeting. I don't need to know about right now I'm trying to help you out for when you come back next time. So the things like what is going to go into this building? Right now it's a big open building.

Edna: I can't determine that until I put for rent signs up. There are buildings all over that are empty.

Jim Acklin: I'm talking about you. You keep saying you are concerned about the safety of the community, no you're not.

Edna: Yes, I am.

Jim: You are there to make business.

Edna: I am a business in the community, same as everybody else in Portage County.

Jim: We have to look and try to make it fit the rest of the Township.

Edna: Ok, I would appreciate a list of everything I need. So I make sure I get it right when I come back in that's all.

Jim: Go through the Zoning Book and that way when we do it. I don't think any of us have a problem with you building the building here but that's what your friend wants to accuse us of. We just want to make sure it's done so it doesn't end up like the rest of the Township.

Edna: Oh, no, he's not accusing you of anything. We just want to be sure it is fair like everybody else. I'm sure everybody gets upset in their life time.

Jim: Well, if you would let somebody talk once in a while, but you don't seem to want to seem to listen to anybody, so.....

Edna: It was my turn to talk; I gotta talk when I can.

Jim: Have a nice day.

Edna: You too, bye bye.

Jeff: Anyone else have any comments concerning our actions this evening.

Doug: I will just make a short comment. The final decision of the court may not be just the judge here they may appeal it, because they are going to lose about a third of their building space and they have driveways on each side.

Jeff: I know that was a big issue when we originally gave approval for this storage unit and I know we had stipulations, our approval at that time, for the access.

Doug: If you compare this to the original drawing that you approved before, it's different. They are not asking for the changes to be approved they are asking for this to be without pointing out the changes.

Jeff: That's happens a lot.

Doug: You heard a whole lot of lies tonight. I'll just give you one example, ODOT, they are telling you that ODOT approved those driveways down there, they never approved those driveways, ODOT never approved driveways, they prove access points.

Jeff: They have nothing to do with the driveway once you left the right of way.

Doug: This thing about the signs, he's done this in other cases, he's trying to intimate you by saying he has approval from the state.

Jeff: We do have that.

Doug: No you don't, I don't think that is an approval. That is not what he presented before. They have two access points approved, but it wasn't them. The previous owner got the approval for that, it doesn't matter it doesn't approve the driveways through the sides, they have two access points, how wide the road is, it is just entrances for their in and out. The county has to approve a public road. The Regional Planning Commission approves it with help from the County Engineer and our engineer, the difference is you are talking about a road and they are talking about driveways.

Jeff and Gary are looking at the State certificate and thinks it looks like an official approval to them.

Jeff: They call it an off premise signs because they are going to be advertising for other people. But, it is on their building but they are renting it out to other people.

Doug: If you look at that approval there are conditions Chapter 665.6 I think it was if you look closely to that. ODOT's approval doesn't supersede yours. All it is is a permit money. I use to have to do these for them in Andover. All they do is give you a permit to allow you to put a sign along a State Highway. Usually you get these as a State Highway approval. Just to make sure, as someone brought up, that it is not visually hurting the safety of the road. Knowing Ted, I'm not going to go into his reputation and

stuff; all I'm telling you is don't trust him. They are telling you things that aren't true, you have your Zoning Inspector look at that and compare to the first drawing and you'll see that they changed things and you're right about the dimensions on setbacks and stuff they show one setback is 50 foot but then it gets more narrow from the edge of the property. He is playing a lot of games in this and you get a hint that it is difficult to trust him when you recognize and read what the engineer put in there. The first four statements by the engineer are he's qualifying this saying. This is not stating that I drew this up. Plus, how come he didn't use the same engineer as before? How come he had to change attorneys? It's because he is not paying the bills. The final attorney left in the end. The judge said he wanted more information nothing came in from the other attorney and we know why. Anyway the guys a real piece of work and he's behind everything and he is using a very emotional, impressible woman to help him. I feel bad for her.

Jim: Waiting for a court date?

Doug: We are done with court we are waiting for the judge to give his ruling. It should be soon but I expect a new appeal. He is still building buildings now and he doesn't know when the court date is. The road is going to take out some of his buildings but he is building more buildings.

Jeff: How many buildings did we give him approval to build to start with?

Jim: Five, I think it was.

Doug: We have even asked them in court, here's the layout, the best layout to put in because their own engineer said we can't go on the east side because everything is draining to the east where the retention base is. You would have to take it out but everything's drained that way so what are we going to do with that? He suggested to be on the west side. So, we had our engineer lay it out on the west side and it takes out about a third of the buildings and the front building, that commercial building, it's too wide it doesn't give us enough room. I don't care what he does in the offices.

Gary: It looked pretty tight

Jeff: Our real question here is we are not going to give approval for that while something is pending regardless of how much he says it won't impact it.

Doug: Did you hear him say there is nothing recorded about an easement?

Jeff: Several times.

Doug: It's right in the deed.

Jeff: That's not really.

Jim: We are waiting for the courts right now. It will probably be set after that.

Doug: You said and I'm thankful you did the final decision of the courts. This judge whatever he decides, if they appeal it then it's not the final decision. Do you agree with that?

Jeff: Yes, this could go on we certainly understand that.

Doug: I donated that land to the Y because it's a good Christian organization and they do good things for people and I wrote in that if this property is ever sold that the money from that land has to stay in Portage County because this is the YMCA for Summit and Portage County and they said fine no problem. We had a contract \$700,000.00 for them and \$160,000.00 for me on selling the property and we couldn't get them to sign it. Their attorney and our attorney put it all together and they were going to build senior housing in the back and it was going to be on the condition of us getting the zoning approval and so forth but we really need senior housing around this area, apartments for seniors and we couldn't do it because he wouldn't give us access. Even a friend of mine who hunts back

there, he chased them off said nobody is going to get back here, I'm not going to let anyone do it. I don't know why, well, actually I do know why because we are not bending over and saying anything you want Ted. We're saying no, we need a public road, we need a wider section here and he really gets upset easily. Anyway, when we are done with it all, the money we get because the developer is still interested in senior housing, the Y's going to use that as an annuity and the interest from that will pay for a fulltime staff person to bring YMCA programs to Portage County and that will last for as long as it can. The annuity is set up that the principal sits there and generates interest and it's the interest will pay for the staff person and the overtime YMCA and I hope others and myself included will continue to donate money to the Y and that annuity will grow. Plus the programs they have like when the women are having an aerobics thing or something you pay some money to cover the staff time. Well, that will go toward the annuity. I am hopeful that we can get the Y programs in the county.

Jeff: YMCA is almost always a good thing. We need to move along here. Thank you for coming.

Jeff: We need to journalize the decision we just past. Do we have a motion to journalize the decision to table this variance request 2012 BZA 03 and Conditional Use 2012 BZA 02 until the court case has been settled? Dorothy Griffiths made the motion, Remy Arness second it. R/C Remy Arness-yes, Dorothy Griffiths-yes, Jeff Gaynor-yes, Jim Acklin-yes, and Gary Long-yes. Motion has been passed, decision journalized.

Jeff: Do I hear a motion to approve the minutes from April 11, 2012 minutes. Jim Acklin made the motion to accept the minutes. Gary Long seconded it. R/C Jeff Gaynor-yes, Dorothy Griffiths-yes, Gary Long-yes, and Remy Arness-yes, and Jim Acklin-yes, minutes approved.

Jeff: Anymore business we have to do this evening? Then do I hear a motion to adjourn? Jim Acklin made a motion to adjourn, meeting adjourned at 7:40 p.m.

Respectfully submitted by

Carolyn Chambers  
Zoning Secretary

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