

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 March 13, 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 7:00 p.m.

Roll call was made with board members present: Jeff Gaynor, Dorothy Griffiths, Gary Long, Remy Arness, Claire Moore, Tom Proctor-Alt, Jim DiPaola, Zoning Inspector, and Carolyn Chambers, Zoning Secretary. We do have a quorum.

On the agenda for the evening was Variance request 2013 BZA 01 for Matthew Lindsay of 2690 Lake Rockwell Rd, Ravenna, Ohio to open a home based business selling firearms and ammo.

Jeff Gaynor reads the Variance and asks if Mr. Lindsay was present.

Jeff swears in Matthew Lindsay of 2690 Lake Rockwell Rd., Ravenna, Ohio

Jeff: The nature of your request please.

Matthew: I'd like to run a home based business.

Jeff: The nature of your business.

Matthew: Be a firearms internet sales and gunsmithing and general safety advice.

Jeff: What would be your market for the safety advice?

Matthew: Anyone I come in contact too I want to download on them the basic safety measures, knowledge, you know.

Jeff: You say internet sales; you wouldn't be doing retail sales at the location?

Matthew: No, not normally, because I don't want a lot of customers coming into the home. If I do make any sales to customers it would be family and friends. I don't want strangers in the home.

Jeff: That's understandable. This is a residence, am I correct? It's the light colored brick house on the southeast corner there.

Matthew: That's correct

Remy: Do you have any certification or licenses now?

Matthew: Yes, I have a CCW from Joe Wyer from Alliance, Ohio. He is an 18 year policeman and army ranger.

Remy: Anything else?

Matthew: No, but, gunsmithing is a hobby, I have always had.

Jeff: Do you have a Federal Fire Alarms license?

Matthew: Not yet, that is why I'm hoping to get this home based business to acquire that FFL license.

Jeff: So you technically can't run the firearms business until you have that? Is that accurate?

Matthew: That's not necessarily true but, that's what I believe what the BATF wants.

Jeff: You have appropriate security measure at your location for storing firearms, ammunition, etc.

Matthew: Yes, sir

Jeff: What is the nature of that?

Matthew: Locked doors. I will get a gun safe once I acquire the firearms that I want to sell or either work on.

Claire: So you are going to be storing ammo there?

Matthew: No, I won't be storing ammo there.

Claire: But you will be storing guns?

Matthew: Not a lot.

Claire: So, in your paper work you said it was an internet business. So, are they ordering it from the internet from you and then the guns are going to be shipped to you and the customer will come to your house and pick them up?

Matthew: If they order it from the internet, they can ship them to me and I can transfer them.

Claire: So they are not actually purchasing them from you, you are going to be the middle man?

Matthew: Correct, yes

Gary: You're not be storing any explosives like ammo, gun powder?

Matthew: No, no large amounts of ammo. Today there is a big run on ammo but, I won't have anything over a thousand rounds of ammo.

Gary: Will you be shooting on the property?

Matthew: No, not regularly. Being a gunsmith, I will be test firing. I do have the approval of Larry Cruise, who is the adjacent property owner, he owns the aggregate company. He said I could shoot against one of his mounds or if I have the funds, I could create one of my own backstops, according to the sheriff.

Gary: Is that word of mouth approval?

Matthew: Correct

Gary: I would suggest getting something in writing.

Matthew: Ok, sure

Tom: The ATF license, did you already apply for that?

Matthew: Yes, I did

Tom: How long has it been?

Matthew: Since I applied? About a month,

Tom: You haven't heard anything?

Matthew: I am in contact with an ATF agent and he said he wants to wait for me to come here and get the decision on the home based business before he interviews me.

Jeff: I still don't understand the nature of the business. You will have a web site that people will find and order firearms?

Matthew: No, not necessarily. I don't have a web site but there are web sites available to me that I can create user name and password and I can have pictures of guns that I am selling or have an advertisement on the internet on my web site, that I haven't created yet, I actually do gunsmithing. Does that answer your question?

Jeff: I don't understand how and where you will be transferring firearms, you mentioned that earlier.

Matthew: If I do transfer a firearm it will be from a dealer on the internet to their customer. I would be the middle man. They would contact me and ask me permission to do the transfer. I would receive the firearm in a package.

Jeff: Is this interstate shipment of these firearms?

Matthew: Maybe, it can be.

Jeff: I thought you do the FFL for all of that.

Matthew: You do need the FFL for out of state.

Claire: Yes, you do need the FFL, it's like if I go to West Virginia to buy a gun they would have to ship it to you and I would pick it up from you.

Matthew: Yes, I would do a background check. I would make sure you're not a person that is ok to have one. The FFL I am under the thumb of the government agents. Taking orders from them. Having a FFL is basically extra responsibility.

Jeff: Yes, it is because of safety and security requirements also, for the storage of firearms and ammunition.

Gary: Are you thinking about an electronic security system?

Matthew: I have ADT on the whole house. There is a good security alarm at the house. When I was ask about security measures, I thought it was specifically about the gun safe and the like.

Jeff: Do you anticipate any signs?

Matthew: I don't, however, I did take a picture of the signage that is already on the property, and there are two signs on it. One is still for Larry Cruise and the other is for Ray Cruise, he did welding for people. I know that the top sign in the picture will be taken down because that is not being used anymore.

Jeff: Well, that's not signs for your business anyhow.

Matthew: If that top sign is being taken down in the future is it ok for me to put up one.

Jeff: You would have to consult the Zoning Inspector at that time and follow the Zoning regulations in the book. I don't think you can Grandfather a sign. Is that accurate?

At that time you would need to consult with the Zoning Inspector and see what is allowed and get a permit for whatever signs you might be interested in.

Jim: There is a limit on a home based business sign.

Matthew: Does ODOT regulate some of them too.

Jim: When you get up into a 4x8 or 32 sq. ft. sign like that, they have regulations as far as how far the setback of the right of way and things like that. Being you're on 14 it would probably be a good idea to ask. When you go through that process just get a hold of my office and we're figure it out.

Jeff: Anything else? The chair will entertain a motion.

Jim: When the question was ask about the ATF, ATF contacted me when Matthew put his license request in and the agent I talked to said they like to follow whatever the zoning code. So the ATF has been in contact with our office and has a repore established and he is just waiting to hear the outcome of the meeting.

Jeff: They don't want to bother giving out a permit and then finding out the place wouldn't be allowed for some other reason.

Claire: So if we grant this for him, does that mean that if he shuts down this business, can he start another one because he has been granted that variance or is this strictly voting on just this business.

Jim: You are strictly voting on this business. But, you can be as general or as specific in your motion to approve anything.

Claire: So if we grant a variance, it's a variance from here to eternity, correct?

Jim: On certain things. If you grant what we call an area of variance, it stays with it. It is something that stays with the property. When you grant a use variance, it can or can't go away when things change. That is why the BZA has the opportunity of the benefit of the law to grant it, deny it, or grant it with stipulations.

Jeff: If that concerns you, if he is going to open up a used car lot or a bar or something like that someday. You can make stipulation in the motion. Mr. Lindsay's application to run firearms based business as mentioned in the minutes of this meeting.

Jim: If it is an affirmative vote it has to follow what is already in the Zoning Code once you approve it.

Jeff: In case you do get some customers, is there some off road parking available? That is stipulated in the Zoning book that a business has to have certain amount of parking.

Matthew: Yes, I have a picture here.

Tom: Are you going to do any reblewing? Do you know what that is?

Matthew: No, reparkerzing?

Tom: My pistal needed redone, can you do that?

Matthew: I have never indulged in that.

Gary: Is there any outdoor storage building on your property?

Matthew: No

Gary: And you are not planning on having any:

Matthew: No

Gary: My concern was outdoor storage of firearms, ammunition and whatever.

Jim: The code prohibits that.

Tia: If I wanted to put a barn up later could I do that?

Jeff: Talk to the Zoning Inspector

Remy: Are you going to get any extras insurance one day?

Matthew: Extra insurance, I entertained it but, not with the insurance company. I am not going to have any rifles or handguns that the average Joe.

Remy: You say here that you would be training people and they would be coming to the property. You would have things like accidental discharge, liability to protect yourself and your customer.

Matthew: If I do any training it is going to be at a rented hall or something of the like and yes, I will definitely have insurance for that, specifically for that.

Claire: You said that somewhere down the road, if the business built up, you would be going off site. What is your idea of building up your business?

Matthew: A lot of customers. Right now I am expecting to have only repeat customers and hardly any new customers. So, if I get to the point where I need to go full time or hire employees that's when I'll be looking at leasing or buying a store front.

Jeff: Yea, you can't have outside employees at your home base business. No other question? Does anyone else wish to speak on this matter? We are ready to maintain a motion pertaining to this application.

Gary: I move we accept the business application 2013 BZA 01 and our stipulation will be that he meet the requirements as discussed in this meeting this evening and that if it is approved that it is for this business only at this location. Remy seconded it: R/C Claire Moore-yes, Gary Long-yes, Dorothy Griffiths-yes, Remy Arness-yes and Jeff Gaynor-yes. Application approved.

Jeff: Your conditional use permit has been approved. There is a waiting period during which concerned parties might file a legal appeal. Any action you take at that time would be at your risk. Best of luck with your business. You can stay or leave as you wish.

Matthew: Thank you very much

Jeff: Swears in John Kempisty of 3333 Lovers Lane, Ravenna. The nature of your business please.

John proceeded to discuss matters that were not pertinent to the Board of Zoning Appeals about the noise from Wall Street Recycling and his neighbors shooting their firearms.

Old Business

We want to discuss 2012 BZA 02 Edna Starcher strip mall request.

Jeff: Swears in Jim DiPaola, Zoning Inspector for the township.

The nature of your discussion?

Jim: I have become aware that the law suit between Doug McGee and Edna Starcher has been resolved and so it may be time to bring them back to get them in or out one way or another. There are some other problems occurring out on the property I do not think the road has been put back where the Board originally. The agreement was in the resolution that when the place was originally done as the storage units were put up the concrete road was extended but, I don't think the concrete road was put all the way back and they would be in violation of that. There are junk vehicles stored out there and there is all kinds of stuff stored out there and I understand that there is somebody living on the property. It is just one of those things that go from bad to worse. The agreement that was rendered by the magistrate that heard the case was that Doug McGee is entitled to access to his property over a road whether it be on the east side or the west side. There has been some discussion from the engineer's office when they looked at it that the roads have to be brought to county's standards so Doug McGee can access to his property. There are a whole bunch of things that have to be done. If they have to look at either side of the property to be able to put the road in and when the road gets put in, there is radii that have to be followed for that road and it looks like unit number 6 may be in jeopardy because of that required radii on either side. That goes back on them that is something they have to fix. But, the decision has been made on the business, the magistrate said they have to bring in an engineer architect to design the roadway and then it get's put in and Edna and Ted has no choice.

Jeff: So, I would have the thought that we, even though the court case might be close, do you have an official knowledge of that.

Jim: I looked at the court record

Jeff: Well, that's official knowledge.

Jim: I didn't want this sitting on our plate for another year.

Jeff: So, if they would come before us and we would consider this request for this strip mall there still could be problems because they don't put in the road.

Dorothy: Sounds like they are in violation

Jim: They are in violation and I am going out tomorrow and confirm it. That would be cause for their conditional use permit to get revoked by the board.

Remy: They would have to clean everything up before we could even entertain it.

Jeff: That would be my opinion on this.

Remy: I disagree with the giant electronic sign.

Jeff: Explains to Claire what they want to do. Sell space on their property to other businesses. How often would you be down there because they would be selling space to their renters, every other day maybe?

Jim: I would bet that this property is going to be an ongoing problem for the township just because of the management

Jeff: It is not part of our decision necessarily but, how likely would you be to go rent a store front when there is a 220 sq. ft. sign above your store front advertising someone else's store.

Gary: I don't think the Zoning Board of Appeals should entertain anything with this property until Jim can go out there and assure us that there are no violations what so ever and then that is a clean slate. Then you come to this board and ask for what you want.

Jeff: How does that sound to you Jim? You said you were going out tomorrow and look at stuff.

Jim: I'm going out to look at it and let you know and then you can decide on a meeting date for them. But, once they find out where the road goes that will relate to a setback of the building. So, I am going to have to find out if they have the drawings done because, the drawings were supposed to be done in a very specific amount of time. This was decided last fall it is one of those things where the property owner needs to bring the appropriate things back so that this doesn't drag out forever. While we are on the subject of the off premise sign the Zoning Commission has redid the language and it now includes specifics about signs not being allowed to be mounted on a building or to a building. We changed the definition of it to be more user friendly so we cleaned it up.

Gary: Will we be getting sheets to update our resolution?

Jim: Once it goes through the hearing process, yes.

Gary: Our minutes need to show that this board will not entertain any further discussion on this subject until you approve the property of all violations being cleaned up.

Jeff: We should make that a motion

Remy: The road requirements as stipulated in the law suit, because we have to have the road answer before we can approve them of any buildings etc. It has to be done.

Gary: While we are speaking to this if you are talking about radiuses and driveway then those prints should be approved before we see them by the fire department.

Jim: It should be approved by the fire department, it should be approved by the county engineer and there are a whole bunch of people that should.

Jeff: Could you state that in a motion

Gary motioned that on the old resolution 2012 BZA 02 for Edna Starcher on St. Rt. 59 that the Zoning Board of Appeals will not entertain any further discussions until the property is cleared by our Zoning Inspector, Jim DiPaola and all prints are approved by all the necessary parties, fire department, county engineers etc. regarding the roadways. Dorothy seconded it. R/C Dorothy Griffiths-yes, Jeff Gaynor-yes, Remy Arness-yes, Gary Long-yes, and Claire Moore-yes.

Minutes from last meeting on October 24, 2012. Remy Arness made the motion to accept the minutes. Claire Moore seconded it. Motion passed. R/C Claire Moore-yes, Dorothy Griffiths-yes, Gary Long-yes, Remy Arness-yes, and Jeff Gaynor-abstained. Minutes approved.

Dorothy Griffiths made a motion to journalize the 2013 BZA 01 and Claire Moore seconded it. R/C Remy Arness-yes, Jeff Gaynor-yes, Dorothy Griffiths-yes, Claire Moore-yes, and Gary Long-yes

Jim: I have one more thing, we have a quarterly Zoning Inspectors meeting and in the past we have invited boards when we have had an interesting topic. The next meeting is April 11th, Thursday night at 6:00 p.m. at Regional Planning and they are going to have Randy Roberts from the building department from the county discuss how to do a site plan review. I will send out notices to all the Board members to attend and it sounds like it's going to be a good one.

Gary: Who is the audience on this?

Jim: It is the Zoning Inspectors, Boards of Zoning Appeals and Zoning Commission members from Portage County. I think we are going to talk the County into having another presentation of the Sunshine law what Zoning Commission's do what Zoning Appeals do, it's a good thing to have it covers everything what you should look for and what standards you follow too.

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