

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 March 19, 2014 at 7:00p.m. in the Ravenna Township Trustee Meeting Room at 6115 S. Spring St., Ravenna, Ohio 44266.

Jeff Gaynor called the meeting to order at 7:00 p.m. Roll call was made with board members present: Jeff Gaynor, Remy Arness, Dorothy Griffiths, Gary Long, Claire Moore, Carolyn Chambers, Zoning Secretary, and Jim DiPaola, Zoning Inspector.

There was no old business

New business:

Jeff: New business is an application 2014 BZA 01 for Ted Wynns of Brady Lake Road. Is Mr.Wynns here? Bring a chair up please. Swears in Ted Wynns of 3173 Brady Lake Rd., Ravenna, Ohio

Jeff: What is the nature of your request this evening?

Ted: For a variance for a sign to be closer to the right of way of State of Ohio. Your requirement of 10 feet and I'm asking to go in 8 feet so when the people drive by they will have visibility of the property.

Jeff: Is our setback from the State Highway right of way 10 feet. I am asking a question of our Zoning Inspector, Jim DiPaola, who I need to swear in. Do you swear that the statement you say before this Board is the truth?

Jim: I do

Jeff: Why are you here?

Jim: I am the Zoning Inspector for the Township

Jeff: What page are the sign regulations?

Gary Long: Before we get into the regs, what are we talking about? Are we talking about an on premise or off premise sign?

Ted: Off premise, located on the property but, it will be on the Right of way. I had to get a permit from the State of Ohio to do that.

Jeff: I thought you said you would be 8 feet back from the right of way. We do have a copy of the permit from the State here somewhere. It says you could be within 1 foot of the right of way.

Gary: So my question is are we asking for a variance of an on premise sign of which you are going to advertise your business?

Ted: No

Gary: So you are asking for an off premise sign for advertising purposes?

Ted: Correct

Jeff: Ok, an off premise sign must be 20 feet from the right of way but again the State has given you the 1 foot permission. We take precedence over that. You are aware of the

regulations of an off premise sign that you can't do advertising for the property for which the sign is placed. So in that case, you are within the size limitation for an off premise sign with the 8x12 is in your plan here. Completely understand is 96 sq. ft. no greater than 112?

Ted: Jim ask me to get, this is exactly, I have to do according to State regulations so if I say that it is going to be an 8x12 that is what the State requires me to do. I did have that, but, Jim wanted me to have this so I had to have it redrawn.

Jeff: How have you determined just where the right of way is?

Ted: There is a pin down there. There is actually a land pin for the State of Ohio.

Jeff: This will be a two sided sign?

Ted: Correct

Jeff: And it will be perpendicular to the road then.

Ted: Correct

Jeff: Other questions from the Board?

Gary: Could I get clarification on one thing? Come back to this, I'll direct my question to you Jim. The 10 foot setback is from the roadway right of way?

Jim: Yes, 10 foot is for on premise sign

Gary: Ok

Jim: It is setback from the edge of the right of way.

Gary: Ok, this off premise sign will be setback 20 feet?

Jim: Our requirements are 20 feet from the right of way.

Gary: Ok, I understand.

Ted: I am asking for a variance to move it closer.

Jeff: I don't see anything that says 8 feet from the right of way

Ted: I think I had 2 feet

Jeff: Yes, we could amend that to 8 as far as our decision is concerned?

Gary: Now I'm back into the state of confusion again, on the edge of the right of way, the regulations say 20 feet?

Ted: Correct

Gary: You are asking for 2 feet

Jeff: We were talking 8 feet a minute ago

Ted: Ok, 8 feet

Jeff: Well, so we are all talking about the same thing here?

Ted: The right of way is the telephone pole, ok, on that there I have 2 feet from the right of way. If you're saying I have to go 8 feet, I will abide by the 8 feet.

Jeff: No, no. You said 8 feet before we said 8 feet

Ted: Ok

Jeff: So that is what I was working on there.

Gary: And the regulation says 20

Ted: the regulation says 20. I'm trying to do it close enough to the right of way but not too far off the right of way because people.... The visibility coming from Ravenna and the visibility coming from Kent is really a good visibility and when you come down there and you see the sign, you don't have to take your eyes to far off the road in either direction or it's kind of a nice sight. The reason I want it 10 feet high because I have cherry trees and we plan on putting ferns all the way across that property and if I put it down on the ground the visibility will be terrible.

Claire Moore: I have a question, what are you using the sign for? To advertise for you?

Ted: No, sell advertisement

Claire: To see advertisement?

Ted: I'm hoping it will benefit the community, I'm hoping it will benefit me, I hoping that it's going to be beneficial to everybody as far somebody like the Balloon a Fair, the City. It can be used for multiple uses. It has to be every 8 seconds according to the State of Ohio. I can't just do like a lot of the signs you see flashing, I can't do that, if I do off premise sign.

Jeff: Our regs say here message can copy for 20 seconds, am I on the right page here?

Gary: On page 216 A and B.

Jeff: Yeah, that's where I am. It gives a limited time for the change process also. Keep in mind the 20 seconds even though the State says 8.

Ted: Do I have to ask for a variance for the 8 seconds?

Jeff: Would you like it to be 8 seconds; is that what you are saying?

Ted: I would like it to be 8 seconds.

Gary: It says at least 20 seconds

Jeff: Yes, any thoughts on this matter from the rest of the Board?

Remy Arness: there is a reason why it is 20 seconds, maybe an attention span, 8 seconds seems fast to me. That is the reason why we have 20 seconds so you can observe it as you come through. What is your purpose for 8 seconds?

Ted: If you are driving 40 or 45 miles per hour and you're a half a mile away there is a possibility that you might be able to see two messages. I'm just going by what the State of Ohio told me and that is their regulations. I can't do 2 or 3 seconds, it has to be 8 seconds. Your regs are a little different and according to the State of Ohio I have to abide your regulations.

Jeff: What is the maximum height of an off premise sign?

Gary: 40 I think look on item two size limitation.

Jeff: It shall be no higher than 40 feet and you are well within that.

Ted: Only 10 feet.

Gary: All total he's 17 feet

Jeff: And you are under the 235

Ted: It's 10 plus 8

Gary: What's this?

Ted: That's the foundation

Gary: Oh I'm sorry I see it now

Ted: I have to put over 20 yards of concrete down there for the wind visibility.

Jeff: Any other discussion from the Board at this point?

Gary: I take it, you explain in your application here that you are going with LED lighting?

Ted: Correct

Gary: An engineer mentions cool white fluorescent tube. Which way are you going?

Ted: Color, I don't know why he put that in there; they're going to be color just like a television.

Gary: What size letters are you going to be using?

Ted: I can't answer that question because whoever wants to advertise is up to their dimensions.

Gary: It's a minimum of 5 inches

Ted: Well then that's what I have to go by, whatever your regulations are.

Gary: 5 inches high with 3 inches in between each

Ted: Ok, that's what I have to go by, by your regulations then.

Jeff: Is there anyone else that would like to speak about this matter this evening? Could I ask you to step back and remember that you are sworn in please? Could you come

forward please? Do you swear that the statements that you are about to make before this board are the truth? Swears in Doug McGee 6465 Park Ave. Brady Lake.

The nature of your business?

Doug: We have a court case going and what we have ask for is, which we had put into the deed, was a right of way to get to the property in the rear of 50 to 60 foot wide. I want to make sure that there is enough room either on the east side or west side of the property. The East side of the property appears to be the most likely that the judge is going to go with but, for reasons the magistrate still has not finished his hearing two years ago and we still have not gotten a decision yet.

Jeff: Ok, I have had some concerns with the court case and the possible concerns in the past and a matter of face we tabled the discussion one evening. The right of way you would expect to be either on the east or west of the existing buildings is that accurate?

Doug: Yes

Jeff: Where will the new sign be?

Ted: It will be towards Kent approximately 50 feet. There is a telephone pole there and that is where it will be in the middle of the property.

Jeff: So if the case were decided that the right of way would be on the west side of the buildings you would pretty much quarantine that there would be room you're not past the ends of the buildings at all?

Ted: The driveways that I got approval from ODOT were one driveway. I had to go in for a variance to receive the other driveway. There is no way the State of Ohio is going to give them a driveway between those buildings, it's just impossible because, you'll have, do you have to go get a permit?

Doug: No, we would be coming in off the west driveway.

Jeff: Or the east driveway depending on how it's decided is that what you mean?

Doug: That right of way will require some of the buildings to be torn down. Some of the buildings that he built are in that 60 foot wide right of way.

Jeff: Well, that's not something we decided here

Gary: That's right that doesn't pertain to anything is on the table.

Doug: If it's not within say 70 feet of his west boundary in case the other side , I would say the same thing then that's the only problem I have.

Jeff: Ok, so it would certainly be in your best interest not to put the sign where the right of way might be obtained one day. You're going to be closer to the middle of your property than you would expect the right of way to be.

Ted: The two existing driveways are already in

Jeff: Ok does that answer pretty much.

Doug: Yes, that was the concern I had

Jeff: Anything else? Mr. DiPaola

Jim: If this is an off premise sign. They have a problem with the existing on premise sign. The regulations say an off premise sign shall be setback a minimum of 500 feet from the right of way or intersection.

Jeff: Not an intersection there spacing between signs

Jim: Yep, that's it

Remy: or a thousand feet from an on premise or off premise signs

Ted: That's what the State told me

Remy: That means you couldn't have a sign on your building

Jim: The sign that he has out front is closer than what the code allows so he would have to move the existing sign.

Ted: I'm just going to take that one down. I'm just going to put that back by the gate and take it out of there.

Gary: So you are not going to have any advertisement for your business?

Ted: I'm just going to take that sign and put it right by the gate.

Jeff: But, that doesn't meet the thousand foot requirement. It says an off premise sign shall not be erected any nearer than one thousand feet from another off premise and on premise ground sign as measure of the base of each sign. It's going to be 200 or 300 feet.

Ted: All I'm going to put on there is a telephone number.

Claire: A sign is a sign though right?

Jeff & Gary: Yes

Ted: It's an electronic sign I think you are talking about.

Jeff: Does not say that here

Ted: Are you talking electronic sign? There is a sign across the street

Jeff: It does not make that distinction.

Ted: That is what the State of Ohio told me that I couldn't go within a thousand feet of another electronic sign.

Jim: I would say that if he wants to put it up where it can be seen then maybe in whatever you guys decided you could make that stipulation.

Jeff: That his existing sign or something with the phone number on it could go by the gate.

Jim: Wherever, it could be that could be part of the decision if you go that route.

Remy: Jim, have you check, would his sign meet all the other distance requirements?

Jim: Yes

Remy: 500 feet from all the parcels

Jim: In the part where it talks about the distance between signs that means the signs on his property or a billboard type electronic sign and the closes billboard electronic sign is down the road, so he's ok that way. It would just be closer than what the code says for his sign for the business.

Claire: This might be a little off the wall. This is for you Jim. So, they are advertising for other types of businesses. Are there any regulations concerning what type of business they can advertise for?

Jim: Everything that pertains to an off premise sign in advertising is this section pages 215, 216 and 217.

Jeff: I have not seen anything that limits to what type of business the advertising could pertain to. Assuming it is a legal business I guess.

Ted: Right, just like the billboard.

Jeff: Any other questions? Read faster

Gary: I am hung up on the sign and the safety factor

Jim: The reason for 20 seconds is because safety experts had deemed a flashing sign as a distraction to drivers so the slower it changes the less chance you are to be distracted.

That is why the 20 seconds is in there because that's industry standard for digital signs.

That's what they go by. They can adjust them up or down but, the standard is 20 seconds. When we redid the code that's where that language was taken from. The majority of them here in Portage County are the same thing.

Ted: Is there any way that I could convince you to do little less per second? Kent, over there they do it like every 5, 6 or 4 seconds. The new one on the Park way. I'd say every 5 seconds they switch it.

Jeff: What do we feel about that?

Dorothy: If we are going to allow it closer than 20 feet, I'm kind of disinclined to allow it to flash rapidly.

Claire: I agree, I think too fast is too fast.

Ted: That is what the State said.

Jim: The big digital ones that up along 480 have it for no longer than 8 or 10 seconds.

Claire: I don't like the idea of your eyes having to leaving the road to read a sign. I don't like it.

Remy: Or to catch the next message, the attention span

Jeff: Let's decide on the number for the setback from the right of way again. You have a permit from the state that says 2 feet or something?

Ted: One foot

Jeff: One foot oks, then you're requesting

Ted: I would like 2 foot; the ultimate decision is up to you

Jeff: Our limitation here is 20 feet

Ted: That seems a bit to taking you eye way off now. If she is concerns about taking your eye off of the road now we're talking really looking off. We are trying to move it closer.

Jeff: Let's come up with a number for a setback. Do we want to stick with the 20 or if the State says it can be 1 foot from the right of way.

Claire: I don't like that idea.

Jeff: This is not from the side of the road, the right of way is 30 40 feet over so it is a total of 18 or 19.

Remy: So as you're driving the sign is actually closer and moves farther away from the road as you get closer to it. Does it need to be 12 feet? Think if you drive a distance, the sign is right there but as you get closer the sign is farther away from you. So, I've never actually thought about distance. You're talking a mile distance or a half mile distance the 8 feet is not going to be that big of a deal. If you are 20 or 30 feet away from it or right on top of it. Now are you going to be looking up as your drive by you shouldn't?

Jeff: Well, again the right of way is what, 60 feet for that highway.

Jim: It's whatever they deem it as. It is not a straight line coming down through there it jogs back and forth. The right of way, the new right of way is where the front steps ended on the old house that was there. So it's that close to that curb.

Jeff: Compare that location near the right of way of the new sign to the existing sign. How close is the existing sign do you think?

Ted: Probably 10 feet I would say

Jeff: Ok and that sign is fairly far from the roadway

Remy: And you want to move that 8 feet closer to be 2 foot of the right of way

Jeff: We need to take a 10 minutes break. Thank you if you could excuse us.

Carolyn: Edna gave each one of you a flyer from her lawyer for your records while you were on break.

Jeff: I will call back to order this meeting of Board of Zoning Appeals and we have a motion to make if there is no more discussion from the Board. I have the numbers and things written down here so the chair will make the motion. We have a tentative approval for this sign following the guide lines as stipulated in our handbook with a 8x12 foot sign, 20 foot setback from the right of way, a 20 second change time on the copy on the sign, within the 3 second time limit to make the changes. You have an ok for a second sign over by your driveway, even though it is much, much closer that the thousand feet it says here, but you can have the sign for your business there. And the reason the approval

is tentative at this point is that we want to see a plan showing exactly where this sign is going to be placed.

Ted: I have a blueprint I gave Jim 5 or 6 sets of them.

Looking for prints.

Jim: Let me go to the office and see.

Jeff: We didn't get that with this application, so we don't have it front of us right this moment.

Ted: When you say the span that I have is 20 seconds that means that I can eliminate the 17 seconds and then it will proceed to the next segment?

Remy: You have 20 seconds and then change

Ted: Ok other words I have 20 seconds. I have to maintain for 20 seconds then it can change however long that takes. Which is probably on a quarter of a second.

Remy: What we are looking at are effects on the screen like a cascade or change like it folds over like the opening of a movie, you know like those types of things so you're not distracted by what is happening next. That so and so auto repair and then it switches to Johnny's dry cleaning and then not like it does fireworks for 20 seconds.

Gary: the regulations say 3 seconds or less.

Edna: I'm sure the guy that is going to install our sign is going to know all of this

Ted: That is why I was asking 20 seconds total

Looking for maps and waiting for Jim to get back with the blueprints.

Jim returns with the blueprints and points out on it that where he has the sign and scales out 1 inch equals 40 feet, allowing the 60 foot right of way that puts the 60 foot right of way there (points to map) and there's the sign. So he is well over 80 feet from this side and 80 feet from the possible right of way.

(Discussion on the right of way map.)

Jim: He is well of the right of way too.

Jeff: How do I identify that blueprint in the motion?

Remy: These have all been hand written on so just say this has been updated with the date and number on it.

(Maps being handed out to all BZA members) (a lot of paper rattling)

Jim: You can date this plan with the 2014 BZA 01 and today's date.

Jeff: Ok, we are accepting this blueprint as the location of this sign, I would like to start over with the motion. The chair will make the motion because the numbers are sitting here in front of me. I would make the motion to approve this request with the following stipulations.

1. That the 20 second rule apply to the length of time the messages are on the sign with the 3 second maximum change time between messages,
2. The sign size as presented is acceptable with the 8x12 feet as the lighted area,
3. We would require the setback match Township regulations of 20 feet of the State Highway right of way,
4. We are giving you an ok for a second sign for you business back by your driveway like if you were to move the plan non lighted sign that you have now,
5. That the sign match the location as presented to us on blueprint 2014 BZA 01, March 19, 2014, we each have a copy of that blueprint.
6. Height is acceptable as presented to us of 18 feet plus the perimeter of the sign so you're around 19 feet I guess. Have I covered everything?
Do I hear a second for that motion? Gary Long seconded it.

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

Jeff: You have the ok for your sign. There is a time period during which interested parties could appeal this decision, any action you take within that time are at your risk.

Ted: Could I ask a question. If this appears that Jim could come out once the sign is actually operating and he feels I could downsize the seconds, is that a possibility?

Gary and Claire: NO

Ted: Ok, I am just asking

Jeff: We have reasons, Jim has said that the department people have mentioned that the 20 seconds is a good idea and a safety factor and we don't have knowledge here to be able to change that.

Ted: Ok, that's no problem, I was just asking.

Jeff: Do you have a copy of this that shows that off premise sign regulations?

Ted: No, I'll take a copy though

Jim: I'll just put it with the permit

Jeff: That will be good so you will get a copy of the regs at that point. Anything else? That is it for now.

Ted: Thank you very much I appreciate it.

Jeff: Well, I've said twice to these people don't come back until the court case is settled and twice they have come back but this does not seem to have anything to do with the possible right of way at all.

Doug: Talking about the law case, which has nothing to do with the decision and how long it has taken to even to close this case.

Jim: Explained between the criminal cases and civil case and the time it takes for both.

Jeff: We have to journalize tonight decision

Dorothy: I so move.

Remy: I second it

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

Jeff: Thank you motion carried. We need a motion to approve the minutes of the last meeting.

Remy: I so move

Claire: I'll second

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

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