

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 October 10, 2012 at 7:00p.m. at the Ravenna Township Trustee Meeting Room at 6115 S. Spring St., Ravenna, Ohio 44266.

In the absence of Chairman Jeff Gaynor, Gary Long Vice Chairman brought the meeting to order at 7:00 p.m.

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

On the agenda for the evening was Variance request 2012 BZA 07 for John Noble of 6473 Marchinn Rd., Ravenna, Ohio to construct a new 1152 sq. ft. accessory building in addition to the existing 480 sq. ft. accessory building for a total of 1632 sq. ft.

Gary: swears in John Noble, 6473 Marchinn St.

John: I would like to request to build a garage to house my vehicles

Gary: I read this as an accessory building now you're telling me it is a garage to store vehicles?

John: Yes

Gary: You already have a garage?

John: Yes

Gary: Your variance is setbacks?

John: I am 1 foot into the 10 foot right-a-way and then for some reason the other garage is 5 foot off of the right-a-way.

Gary: Dorothy and Remy, do you see what he is talking about? Points to the map for Dorothy and Remy and decides it is 9 foot. Ask Carolyn to make a copy of the map for members of the audience. Anything else, Mr. Noble?

John: That's it basically

Gary: I have two issues here, first of all the setbacks, I don't know how the 5 foot one ever got by the Zoning. The five foot would be

John: It would be probably on the west side.

Gary: The two statements that I want to bring up to the Board here before we get to far along is the 5 foot setback. That is just not right.

John: There is another garage right next to it that also has a five foot setback off the property line.

Gary: It might be before the Zoning revisions were made. We're speaking specially of this 24x48 and those setbacks 10 and 20 feet respectfully. The other issue here is in the 610.03 in all districts are locked up to 2 acres; your acreage is about a 1/2 acre give or take. The aggregate gross shall not exceed 1200 feet so you already have an accessory building which is 480 and this building is 1152 which brings you up to 1632 sq. ft and you are already 400 feet over. Those were the two things that I wanted to bring up. Do you have anything else you want to present?

John: No, that is basically it.

Gary: What I want to do now is, we have a big congregation anybody that wants to speak needs to come forward and be sworn in and make your statement so we can have it all recorded and on the tape. You can sit back down there or over to the side until we get through this. State your name and address.

My name is Martin Braun, I live at 6463 Marchinn Dr.

Gary: Your concerns, questions or statements

Martin: I have a prepared statement, first of all I want to thank the Board of Trustees and department of Zoning for providing the means for our community to address our concerns and long standing honored Zoning standards and practices. I also want to welcome Mr. John Noble and your family for becoming members of our neighborhood. In the short time that Mr. Noble and his family have been homeowners they have been very kind they have done a number of improvements on the property and they actually provided a nice improvement in the area and that is very much welcomed and I want to say thank you very much. My name is Martin Braun, that's my wife Darla and my daughter Hannah Braun. We are the immediate neighbors of Mr. John Noble and his family and we are one of three immediately effected by the variance request. I too am a fairly recent addition to the neighborhood and in the past four years I lived here, I am proud to say I live among neighbors that are not only thoughtful but also very kind. I found in the short time living here we are hard working and proud community that wants to preserve our environment which is clean, safe, respectful and private. This is specifically in the Chinn area I notice a considerable in our area and surrounding neighborhoods so it is very nice. During my time here I witness the effects and the decisions made by the Zoning Board and other Municipalities. I have observed struggles from varies neighbors such as the one on the corner of Woodlawn who fought at many levels to safe his home from flooding. I was there to offer help to pump several feet of water from his basement, however, he has since moved from his home and his home is left abandoned. I have observed other friends of mine on the other corner of Woodlawn petition for an addition to the property which was denied. They have since purchased another property and have decided to move out. I've observed the painting on the streets on Marchinn only to be paved to be repaved next year. I observed flooding and stagnation of standing water on an address in Rose. I've observed long standing abandoned and degraded property on Woodlawn and I myself was effected by Zoning which required to provide a six inch easement to this township because my home was not exactly fifty feet from some still unknown specified location. So I am very aware that the decisions made here have a significant impact on our community and the value on our property. When I purchased my property I learned what the Zoning laws were and I learned that this information is available to the public. On the purchase of our home, I understood that to be a good neighbor I need to observe the local laws and abide by long standing Zoning standards and doing so I am honoring and respecting Mr. Chinn's

legacy, honoring residents of the past that too had to live by that legacy. In honoring and respecting my neighbors who do live by that legacy. As they are bound by standards, I want no exceptions be made for me just as no exceptions were made for them. With that I am asking no exception be made for Mr. Noble and his family. An exception made for Mr. Noble to such an extent is not only not fair to Mr. Chinn's legacy, is not fair to the residence past, present and establish a dangerous precedence for the future variances requests to come. The Zoning laws is established, I see no reason why we are here to discuss this. Furthermore, the request is in excess of five feet toward my property line which was explained by Mr. DiPaola, with an additional 500 sq. ft. which was also told to me by Mr. DiPaola. Mr. Noble told me and my neighbor that the addition would only be 9 feet and the size not as large as we are now told. This contradiction is misleading and sets a terrible precedence. I am uncomfortable with what has already transpired and I am seeking an attorney to file a law suit if any structure in excess of zoning standards if approved. This takes me to the intend and implied use of this property. Mr. Noble is privileged, as we all are, to the existing Zoning laws made public prior to him purchasing the property. While Mr. Noble decided to build his property with such grand vision of a five car garage that will house a hydraulic lift to elevate his vehicle, house compressors, hot rods, and elaborate engines is highly questionable. It wasn't until Mr. Noble shared with me and my neighbor that he is semi retired and works on his cars for income. A request that his place of business be submitted for review. He also told us the Mr. Vince Coia recommended the property to Mr. Noble and then he, Mr. Noble, has business relationship to Mr. Coia's brother and possibly Mr. Coia himself. This establishes a conflict of interest and a reasonable explanation to build a five car garage on the property. Mind you it is a garage, Mr. DiPaola said it is also an accessory so there is definitely some consistency and that needs to be explained. At this point, I am asking that Mr. Vince Coia recues himself from the termination as he may find himself under investigation and legal pare. Now that we establish the extent of variance request is in question and that the true intent of its use is in question I suggest that the meeting be called off and we all go home. There is not purpose of us being here if we don't have clear and determined specifications none of us were provided with photographs, I received a letter only a week prior which did not give me enough time to prepare and is so excessive that I don't even see that we go further. May I ask that we pack it up and go home?

Gary: You can ask but that is not your decision at this point.

Martin: Ok, please allow me to continue. The established extent of the variance request is in question and so now we need to discuss the environmental impacts. From the Ohio Department of Natural Resources well log shows that the wells are established in the area of between 51 and 105 feet in depth. Because, the Grandfathering laws exist a shallow depth. Mr. Noble's well, I believe is at approximately 51 feet. Also from the Ohio Department of Natural Resources a potential pollution map was generated and revealed that the area is highly susceptible to contamination and pollution. These diagrams are here if you wish to see them. Also I have two well logs that also describes the varies levels that there is water 40, 50 and 63 feet that this is sandstone and this area is very preamble, I submit this to you also to observe. Bottom line is that we live on sand and what is spilled from above is easily permeated through strata and into the drinking water one bad spill of oil, break cleaner, or ante freeze can make the drinking water undrinkable and may make our homes worthless. I have already contacted the EPA and they were

made aware that I may request regular testing. There is an environmental impact on sound quality. Our community is a family community that restricts any business and it is a residential and the only loud noises heard are from riding mowers and playing children. Sound levels are measured in decibels. The decibel level of a push mower is between 70 and 80 decibels. OSA recommends that hearing protection should be worn by individual exposed to decibels above 85 and 90 decibels. Tools such as grinders and compressors exceed 95 decibels, hammering on steel plates exceeds 100 decibels and thus as tractor pulls, engines, and so on exceed 110 decibels. Environment impact and air quality and waste management, the grinding of steel, bonding of fiberglass and the application of paint releases plums of particle in the air that effect breathing. My wife has asthma and requires a use of an inhaler, heavy smoke, pollen and pollution directly effects my wife's health and my neighbors health as well, regarding waste to clean and maintain so many vehicles require large volumes of hazardous material containment and disposal. What assurance do we have that the proper filtration is used and the disposal of waste is not released or spilled. Then there is the environmental impact on traffic, if Mr. Noble wishes to work on his vehicles then he is going to want to test them too and the only way to properly test a vehicle is to drive it. We have children here, this is not a place to test vehicles and see if they can stop, drive, or generally operate as expected. One mistake can cost the life of a child, cannot afford that risk to my daughter nor to the children of my neighbors. Then the ecstatic appearance and the future of our community in regards to ecstatic, like I mention earlier, we don't know the height of the building or other specific details. The exact details of the construction were not made available and to accommodate a two car lift will require a tall building. When I mentioned the lift, this information has all come from speaking with Mr. Noble directly and people who are involved with Zoning and laws. There are no five car garages in our immediate area and such construction will diminish the structure of the community by adding a car shop at the end of the street will diminish the property value of our home needless to say Mr. Noble's intent the use of the garage might be harmless and I believe they are harmless and they have no effect on us. However, does that guarantee that the next home owner will ignore the potential of having a working garage from his or her home. Furthermore from my rear window I will have a very odd view of the purposed addition. What I understand of what is being purposed it is not flush in line with the accessory building. Mr. Noble is not being accused, wreck less nor conspiring with a member of Zoning. I trust that his intentions are good, however there are questions to be answered and we need to air on the side of caution. If a variance is made and exceptions are made I will have to discuss other avenues. I am requesting that Mr. Noble stay within the Zoning laws.

Gary: Anything else?

Martin: No that is it.

Gary: Looking for RM section in Zoning Code book.

Remy: Mr. Noble does your house already have an attached garage?

Mr. Noble: Yes

Remy: So a detached would be considered an accessory building, to clarify.

Gary: What I am looking for is on operating a business.

Mr. Noble: I would like to make a correction here. I have a shop that I work out of that is not going to be a business that is to house my vehicles. I'm not making that a business it is to house my vehicle, I have a place where I work.

Gary: If we decide to grant a variance, we will have a stipulation in there to that point. Anything else at this time?

Mr. Noble: No

Gary: Next, State your name and address sir.

Booty: Earl "Booty" Lohr, 6453 Marchinn Rd. I have lived in this neighborhood all my life. I grew up on Hoover Rd. I lived there 18 years, went to school with the Chinn family I knew everybody in the area. I am going to go with a little bit of history here. Mr. Sam Chinn owns this allotment. In 1957, he made this farm into lots and in these lots because of all the trash and stuff on Marchinn, he made a lot of restrictions and these restrictions were no junk cars and one septic tank or something better. Sam Nelson come into this areas and built a house on the corner of Woodland and at that time he started building houses in this area. The Chinn boys worked for him and Bill Rude. Well, when he first started he built that house on the end there which was not in the allotment and then he built three houses on Woodland for his Brother-in-law. Two on Woodland and one on Roselawn. Sam, when he built these lots he didn't like the way this was going because #1 George only put one septic tank on both lots and there was all kinds of trouble, now on the other side of Marchinn, it's in the Chinn allotment but the other side is not.

Gary: I want to come back to the issue of Mr. Noble's variance

Booty: This is in the issue of Mr. Noble's variance because it shows the difference between what laws are on Chinn's allotment what's not up there. What up there to this date is a mess. We don't want no mess down on Marchinn, you get that? He builds all these houses and got restrictions in there, you are allowed one out structure. Along the back of our houses, we got beautiful lawns and all the way up and Roselawn is beautiful lawns and he wants to take that existing building and wants to build 45 foot from the side. I want to ask you something, are you familiar with the laws of 5 foot and all this and that? Well, Melvin Cole lived in that house, Trustee, Gordan Jennings and they took care of our area. My wife has a aorta valve, and she is going to have to have that replaced and we don't want no smoke, because she don't breath good then. Melvin Cole built this garage on the back of that lot five feet from Mrs. Myers. I looked at this garage, why would Melvin put that garage five feet from the line? He don't need no variance, why would he do that? Oh, I think I know why, the septic system in the back of this yard is set back there and the old septic systems had the tank and you go about 10 feet and you got where you clean it out and you go way back in the yard and you put this distribution boxes with gravel and where you plug the pipes or tile in and one of them.

Gary: Could we get to the point.

Booty: I am getting to the point, don't tell me, I know what I'm talking about. I've lived in that area for 50 years and I know Sam Chinn wanted this place like he wanted it and that is why he put all these variances in. That sewer system is in the back yard with gravel and he didn't want to put that building on the sewer system. Now Mr. Noble wants to put that five foot building along the side and that is not going to ride. Mr. Vince Coia is a good friend of my son's and a friend of mine and I've bought stuff from them people and he has the nerve to send this guy out here and say you are allowed to do this that's a nice quiet area out there. But we don't want that shed, we like the way it is and what's to say if he moves out of there somebody else moves in and start building, this is not a place to store cars this property. Another thing at the end of the road up there you have a gentleman that you people allowed him one building 37x24 and they said you

could put 40 but if the neighbors complain you have to cut 3 or 4 foot off the end of that building. Mr. Miley, that live on the right side of Woodland, you people refused him a variance because of the septic system. He's moving out of here because of that and on the other side of Woodland is all those growed up homes and just a mess. Poor Mr. Nordof is trying to get these Trustee to do something about this 25 years, he hasn't lived in there for 25 years and I'm not happy with Mr. Coia.

Gary: If you have issues like that you have to talk to Mr. Coia, excuse me I'm talking

Booty: Well, I'm talking too

Gary: Well, we are going to stop now and listen. If you have issues with the Trustees you need to take the time and go to the Trustees meeting. This is the Board of Zoning appeals. This gentleman has a variance that he is requesting either denial or approval on and that is our job.

Booty: Are you part of the Zoning?

Gary: This is the Board of Zoning Appeals

Booty: What is your position?

Gary: I am the vice chairman of the BZA

Booty: How long have you been on this?

Gary: Several months, thank you anyone else, yes, state you name and address Ann Marie Noble, 6473 Marchinn. First of all I'd like to set the record straight about a couple of things, my husband and I looked for a home for about a year. He was downsizing, I had a house in the Fairgrounds, so he sold his house in Aurora. I am in the process of selling mine. We have just been married two months. My husband has spent his whole life building cars enjoying what he has done, he is 68 years old and has no intention of building cars. I would like to share with you the first garage he built when he was living in Mantua.... Shows photos of garages that Mr. Noble has built. Noted that one of the garages is featured in Hot Rod magazines continue to show photos..... We have already spent several thousand dollars updating the home and we are very proud of the neighborhood that we live in and we love the home that we living in. We are asking for this variance so that he can house these vehicles and my vehicle, my daughters vehicle and it's going to be a very upscale garage. It is not going to be one of these garages that someone is going to be tinkering.

Gary: Anyone else? State your name and address

J.P.: James Myers, 3251 Plainview road. I grew up in this neighborhood, we were the third house, I worked for the contractor that built it, I worked for the contractor that actually set up the zoning in the neighborhood and the reason for the five foot is, if you look when this was done there was only 33.93 feet on Plainview Road. When I originally built my house, they told me I had a number of 3200, I told them no I'm on the wrong side of the street, so in checking we found out back when Irene Roth was County Commissioner that Vanderloop was going to go ahead and give them enough footage on my side of Plainview Road so that you could call it a road. So that five foot in the back was legal because the road wasn't really a road and Melvin Cole which built the house come to a side entrance instead of putting it in the garage because Chinn says it's just a dirt road there go ahead and use it. Likewise where Mr. Myers lives, fellow by the name of Stimple built that, there again he went to Chinn and they told him it's just a dirt road you can go ahead and have the side road because it's not a road it's not wide enough. I have my house built, the neighbor had his built and I went to build more houses on the street that is when we found out that it's not a 50 foot it's really not a Township road and

that's why the busses never run on the road. So that's the five foot and if I'm not mistaken the State of Ohio says you can continue a building line and can't be stopped cause that's State Code. So the five foot we are alright, there is 10 foot down the side and we know it was 10 foot because if you look at the foundation on the house it's like 13 foot but it's got an overhang so the overhang was set so it's 10 foot off the property line and that's what he's wanting on the building is 10 foot. They brought up about the septic being out there. You have Cole's house the one that this gentleman was up earlier about the water being contaminated and then you have the next one, those when everything else was built in the neighborhood was all chemical tank because there was a four inch tile that run from Brady Lake Road down through the drain because the Chinn family had aircraft that landed on there. They put all the chemical tanks into that but the last three on the street would not go. So as a special consideration because of the neighborhood, health department says put in dry wells. They do not have the finger system that didn't even come along yet. So they come out of a tank they come into the dry well. So when they wanted to revamp them and go to the finger system what happened to Booty Lohr is they come along and said well you have got to run the finger system, put the gravel in. I told them from the start it would not work cause it's sand when it rains it will flood the basements and that is what it did and everyone of those will do that so what they did was come up and get my backhoe went up and dug a hole and filled it with sand and brought a drain out and run it down the 10 foot easement that is on every property in Chinn's allotment to the next street and run it into the road ditch. The road ditch all of these along here, you'll find that coming out of those dry wells they run into the road ditch and that road ditch runs back on the edge of my property and runs right into the wet lands so the contamination is unbelievable. Both side of the street going up Marchinn Road are tied into that. Every house except the one that Velma Sarefin had and the first house that I built on Marchinn Road we were able to get into the chemical tank. The other side of the street, no, and every house on Woodland and every house on the east side of Marchinn Road runs into the road ditch, sewer and it comes in and it goes into the wet lands. The county says they don't have enough money to dye test everything. The ones that are a real complaint they do dye test and there are several of them that need to be changed but, the contamination level of what they are putting in the sewer and railroad going through there that all runs through the wet lands which is on the back side of my property. I personally feel the garage is a good thing he's still carrying what the original 10 foot was and I'm sure if they start at this end and go the other end to survey it there are going to find that it is a little bit short because when I lived on Marchinn Road I came up about 8 inches short in between the stakes from when it was surveyed. This was only suppose to be 25 foot down here on Plainview and I had to give them 20 foot off of mine to make it a road instead of the 33 so somewhere they are giving a little bit each time or taken away. So what happens is when they come into the new aerated system, they are putting them into the road ditch which is contamination. He is better to have this garage than using the house garage because when he back out of the house garage if there is anything setting in the driveway you can't see kids coming down the hill or coming up either direction on Plainview because the garage door is so close to the road. I plowed for Patty, after Melvin died, and my truck won't fit from my garage door to the street. That's how short it is so he's setting back with it so that's the reason for the five foot and I'm sure there is a State Code somewhere cause I ran into it with the City of Kent when I was doing building and an attorney came up with a code that says State Code says that you can

follow the building line to the next line. I know some of them don't want it but it is better if these cars sit in a garage than setting in his driveway.

Gary: Anything else

J.P.: That's it

Gary: If you have something to say you need to come up.

Booty: On the other side of his house, Bob Vair lived there and he built a swimming pool and there is an artesian well. Bob Vair went to build a garage and he couldn't put the foundation in because it floods. So someway he got around to get the garage built. My point is that when that water comes down from Woodland, it floods. His front yard it floods the whole lot of his and when we get a lot of rain at my house it is so wet it rises up to the drains and where he is wanting to build these garages that land is wet. Can he put a foundation on there?

Gary: That is not for us to determine that.

Booty: Why not?

Gary: That is up to the survivors and the Zoning Inspector. Anything else

Booty: When he builds these garages. What is he going to put in front of them? Are you going to built

Gary: You are talking to me now.

Booty: I'm talking to both of you

Gary: No you are talking to me now

Booty: You know what, never mind. I want to know what he is going to have in that yard. Is he going to have cement close to the garage? Is he going to drive throw there and have a mud hole?

Gary: I can't answer that question right now.

Booty: Why not?

Gary: Because I don't have the answer. You are still under oath

Marin: I understand that Mr. Myers having a point that having a garage is a very reasonable and a very wise thing to have for Mr. Noble for his vehicles. I have helped previous resident, Patty, go over and I have snow plowed her driveway for two years as a jester of being a kind neighbor. What I would like to see is that all parties are happy that this remains a peaceful, and a kind neighborhood. I am very concerned about the spirit of community I think things could have been handles differently to Booty and myself and other neighbors with diagrams and so forth so we would have better understanding. I don't think that a clear understanding has been established as to what is requested here. I have two chief concerns that the stasis quo is maintained. That there is no favoritism is given to anyone out of respect to Mr. Noble, myself and anyone else in the community. That there is safety involved that includes that Mr. Nobles property is protected. We have had some crime in the community; I wouldn't want any of his vehicles outside and be exposed. However, if he doesn't have enough storage that should have been a concern before buying the home. Having a second piece of property is going to make three properties on a piece of one plot of land. It's going to look funny, it's going to look inconsistent it's going to look odd from where I am and I believe will lower the value of my property. I do believe there is a compromise at what extend that cost will be I have no determination on that. But, if I were Mr. Nobel what I would like to see from him a nice drawing that plots out what he would like and how it is established on the building. To possible remove the existing building add what it is that he needs to accommodate his vehicles, also he needs to provide how he has access to that. Is it going to be a gravel or

is it going to be a cement driveway. The image that was proved was very nice. What is it that you want? I trust that it is going to be nice. You have to have a good character to be that careful with vehicles. I trust that with just what I've seen already. My only concern is what is it that he wants to accomplish that has not been established and to also I would like to see that is on the existing laws with no acceptance and no favoritism be made and this is out of the concern and peace of our neighborhood. Thank you

Gary: Are there any other questions from the Board? I will entertain a motion that we take a five or ten minute break. Dorothy, I so move.

Remy: Second that, but just real quickly, Mr. Noble do you know the location of the dry well or septic on your property?

Mr. Noble: Yes, we kind of looked at where it is and it where it starts out is Points to the map to show them where the septic is.

Gary: State you name and address

Vince: Vince Coia, Ravenna Township, 3974 Summit Road Ravenna. I wasn't going to speak at this meeting because if anybody knows the rules of the BZA or the Zoning Commission. It's not my job to come up with a decision for anybody. It sounds like from what a couple of people talked tonight that I should maybe go get my real estate license. I did not have anything to do with Mr. Noble picking his property out or recommending how big the garage should be. Nor does Mr. Noble have interest in my business and besides that it is not my business, I work for my Father. (Booty interrupts that he has something to talk to Vince about) I'm just bringing up some things to speak. Mr. Noble is employed by a company who does business for my Father's company that's as far as it goes. There is nothing underhanded going on. If anybody is interested the State performed an audit last year and I was cleared of the audit for being a Township Trustee and also with my family's business doing business with the Township. So I just want to get that straight that my business has nothing to do with anything the Township does or I should remove myself from anything because I shouldn't have to remove myself I have nothing to do with this Boards decision. (Martin interrupts stating that he is basing his comments on what he was told)

Gary: Anything else Vince?

Vince: Nope nothing, thank you

Gary: Thank you

Booty: Can I make a comment on that?

Gary: If it is a personal matter, No

Booty: It's not personal, He was talking to me why can't I talk to him

Gary: I'm sorry, outside the confines of this meeting I don't care what you discuss. The chair will entertain a motion on the variance 2012 BZA 07

Remy: I move we deny variance 2012 BZA 07, based on size and location. You can resubmit it for different proposal but at this time I move we deny

Dorothy: I second it.

R/C: Gary Long-yes, Dorothy Griffith-yes, Remy Arness-yes

Gary: Mr. Noble, since it has been denied you have 30 days for an appeal. All nonmembers can leave. We are going to continue we have other business to conduct. Let's move on to old business – none

The chair will entertain a motion to journalize the decision of Variance 2012 BZA 07

Dorothy, so move. Remy, I second the motion

R/C: Dorothy Griffith-yes, Remy Arness-yes, Gary Long-yes

Gary: The next meeting date is Wednesday, October 24, 2012 at 7:00 p.m. We need to have a motion to accept the last meeting on September 26, 2012

Dorothy: I move we accept the minute.

Gary: I'll second that

R/C: Remy Arness-yes, Dorothy Griffith-yes, Gary Long-yes.

Remy Arness made a motion to adjourn, meeting adjourned 8:05 p.m.

Respectfully submitted by

Carolyn Chambers
Zoning Secretary

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