

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 October 9, 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, Remy Arness, Dorothy Griffiths, Gary Long, alternate Tom Proctor, Jim DiPaola, Zoning Inspector, and Carolyn Chambers, Zoning Secretary. Absent was Claire Moore. Record will show that we have a quorum.

Jeff: On the agenda for the evening is Variance request 2013 BZA 03 to approve an extension on a Conditional Use for the last phase of Forest Ridge PUD renewal.

Jeff: Who is the applicant? Swears in Rich Costin, (developer) 1201 South Main St, N. Canton, Ohio 44720. The nature of your request?

Rich: We are asking to have our Conditional Use renewed for another five year.

Jeff: Normal term for those is five years is that accurate? Is this the first renewal? Were you renewed once before?

Rich: This is our second renewal.

Jeff: What's taking so long?

Rich: Just general economy, we own the land and have every intention of developing it, we are just waiting for the market to come back. I can say we have seen our market in other areas come back and turn around.

Jeff: Have you seen the request from the fire dept.?

Rich: Just now I was aware of that, yes.

Jeff: When would you expect to start this the construction, improvements, etc. if we approve this request this evening?

Rich: We do not have a specific date or plans to start construction. Yet again we are waiting for things to turn around and the demand to come back.

Jeff: This Hidden Brook drive is one of the roads that meet Lakewood Rd.

Rich: I'm not quite familiar with the names of the roads, I know Hidden Brook.

Jim: Points to map where Hidden Brook is.

Rich: Hidden Brook extension through, there is no connection.

Jeff: So most of Hidden Brook is in existence now?

Rich: Yes

Jim: What you see on the map for Hidden Brook is in existence now.

Jeff: Those were comments by Jim DiPaola our Zoning Inspector pointing out on the map the extent of the current Hidden Brook Dr. What's your thought on complying with the request from the fire department?

Rich: (Reading the letter from the fire dept.) We do not have any immediate plans to build the street, we are waiting for the market to come back and we still have markets in the existing phases we would like to sell before we justify putting more in. If there is something else I can do with him, we don't want to just build a street just to add more lots to the market to just sit there.

Jeff: Anyone else have any comments on the letter from the fire dept.?

Gary: Jim did you have any discussion with the fire chief?

Jim: Yes, I did.

Gary: What is he suggesting; we look at width or what?

Jim: Just connecting the two ends, competing Hidden Brook from the two ends where it is detached.

Rich: (Points to the map) what's in yellow is what's not built and that is what we are asking the continuance on and as you can see that will connect Hidden Brook and complete it and I think that is what the fire dept. wants so they can go straight on through to get to these lots in the back. As of now they have to go around here or come down Westwood to get to the lots down here.

Gary: I see, so you have already connected them?

Rich: We are built up to here (points to the map)

Gary: Would it be in the plans that you have already connected them.

Rich: What you are looking at here is the originally purposed site plan that we applied for and it would connect the two phases.

Dorothy: So you are not objecting to their request?

Rich: Absolutely not. Our intention is to fully complete the subdivision as designed. There are some new rules and regulations in changing the lots or something like that. There are storm drainage that's a issue now a days and some of that needs to be looked at. We have full intention of connecting this road and addressing what the fire dept. wants. We want it for our own benefit also; we feel it would make a better neighborhood to connect the two.

Jeff: Does the road that is heading south there connects to Summit is that right?

Rich: Correct.

Gary: That runs out and connects to Summit St. correct?

Rich: Yes, Summit is down here at the bottom of the page and that ties into it.

Jeff: So there are two accesses now even though they are not as straight as the fire chief would like them to be.

Gary: On paper he already has it connected.

Rich: Our intention is not to deviate from what the original plan is other than to meet the new standards.

Jeff: This would include such things as lot size?

Rich: Well, lot size is with you, the only things that would possibly change that I know is storm water regulations have changed and you have to build more retention bases and stuff like that. What that might affect to us is that we may lose a lot or two if we had to do that. But, it would not affect the layout or the road and the lots size because that is your jurisdiction.

Jeff: Do you know if there are any wetlands?

Rich: Not within this area we are talking about. I believe there are wetlands on the outside of almost the entire property. We had a wetlands delegation done when we first

started the project. Whenever we go to develop this area here we would be required to have a wetlands person come out and take a look at it and they would have to write a letter and that would have to be submitted to the County or possibly the county engineers if there was something determined to be there.

Gary: Jim the setbacks and some of the regulation in chapter seven that I was reviewing of fills and setbacks are they much different or different at all from the resolution prior to 2009, because that was when they had their other continuance?

Jim: No they are not. The original approval for the plan unit development, the lot sizes are set by that PUD. Anything that would change down the road doesn't affect them because the site plan has already been approved. They are just asking for an extension of time.

Jeff: And our zoning regulations do allow such an extension?

Jim: Yes, as far as the wetland and everything like that, that has already been looked at and that has already been approved by the original site plan approval.

Jeff: Any questions from anyone else?

Gary: Your intention is to complete within this continuance?

Rich: Yes, that is what our intention is.

Jeff: Are there any folks in the audience that would like to make a comment on this application? Would you step back please and remember that you are still under oath.

Jeff swears in Tony Coia 3149 Hidden Brook Dr. The nature of your comments please.

Tony: The only concern is that this has gone on for 14 years. One of the big problems is that no one can find Hidden Brook in the back because it is not connected and I don't know what the fire dept. is concerned too that they would want it connected for easy access because there is difficulty in finding this road. I know the economy is not good we have a hard time selling our homes there. But, I think there is a time when something needs to be done. To let this thing keep going and going I think is a problem. You have a road that stops and you have another end that stops. I think it's a problem and a safety issue problem for the development.

Jeff: I think the Fire Chiefs concern is valid also

Tony: You have ambulances and there isn't a time when I stand out in the summer and people are going up and down my street trying to find this address.

Jeff: Do you live on Hidden Brook?

Tony: Pointing to the map shows where his house sets and about 4 or 5 houses down it dead ends. Someone finally put some signs up that said Hidden Brook this way.

Jeff: Are these all single family homes?

Tony: Yes, that is another concern if down the road they could put in more than single family homes down there. Thank you

Jeff: Does anyone else have any questions? Swears in Patsy Artz 6638 Peck Rd. Ravenna and the nature of your comment.

Patsy: I have a couple questions # 1 goes to Jim, are there lengths of time that these phases have to be completed and started? Other words if they are at the end of phase two did they only have so much time for the third phase to continue?

Jim: No, in 2003 originally the whole development had to be completed in five years and then they came back in 2008 for an extension. Now they are going for another five year extension to complete the whole development.

Patsy: My question then to the builder, it is my understanding that you don't know when you're going to start. Why would you come for another additional phase if you don't know when you are going to start?

Jeff: Let me assume briefly here you coming back now an extension before your current extension runs out in which case it is not an extension at that time it's a new application. So rather than having to do an entire application next year sometime or something they are asking for an extension which keeps their current Grandfathered lots for another five years.

Patsy: But didn't you say you didn't have any idea when you are going to start this?

Rich: That is correct.

Patsy: Why not? Why are you asking if you are going to wait another five years is what I'm asking?

Rich: We have intentions, we own the land and our intentions of completing the subdivisions as much as designed to connect it through and that's why we are here because we want to do that. If we were not interested in that, we would not come here we would not renew this we would just walk away and leave the land empty.

Patsy: How many extensions do we honor?

Jim: As many as the Board grants. That is all done under Ohio Revised Code that's what it states in ORC and they are the body that decides. They could say no. They have the choice of saying yes or no to the extension.

Rich: If they would say no, I'm not sure what the recourse would be other than we would not have a viable plan with the Township to put the road in. This is the plan and if they say no. Then there would be no excepted plan by the township to connect the road or do anything.

Jim: They would be back to square one and they would have to find a solution to that and they would have to reapply.

Rich: I think that would be our choice and we have already taken these steps to get to this point we don't want to lose the ground that we have gained to this point. I understand you are looking for a guarantee and want to know when it's going to be started. We would love nothing more than to tell you we are going to start tomorrow and it's going to be finished by the end of the year and all the homes are going to be built. Unfortunately the way things work we don't create the market it is there and we try to satisfy the market by putting our product out there. We own the land we pay to maintain the land we pay the taxes on it and it is not generating income for us at any level and the only way we are going to get anything back out of it is by putting this road in and selling the lots but there has to be a market for it. You can't just develop it and then just let it sit there.

Patsy: Jim, can this Board stipulate that they finish Hidden Brook Dr. before they start construction on homes? Because I think that is a concern with the Fire Department.

Rich: I would like to address a little bit on the road, you cannot sell a lot or a single family home unless it has road access. So the street has to go in first before a home itself.

Patsy: Are you going to put the houses on other land other than Hidden Brook at this point? I guess my point is if Hidden Brook isn't finished and you decide to put the houses somewhere else instead of on Hidden Brook then you wouldn't have to finish Hidden Brook if you put the homes on other areas.

Rich: No, the only thing we can build is to stay with the intent and general plan that was approved by this Board. If we wanted to go back there and put one giant house in the middle of that and never complete Hidden Brook we have to come back to this Board and ask for that. We are obligated to follow this plan and that is what we asking for the renewal.

Patsy: Does the plan say though that you have to finish Hidden Brook and put homes on that before you can start another plan?

Rich: This is the last phase; I'm not sure what you mean by another plan.

Jeff: The rest of the houses have been built.

Gary: Pat this is just a continuation of what they started.

Pat: Well, I understand that but, as a trustee and the fire dept. I would really like to see Hidden Brook finished before they go on and put home other places. In other words, if Hidden Brook isn't finished and they decide to go another main stream.

Jim: There are still lots in the phase before this phase that have not been sold.

Patsy: But, they do have roads?

Jim: Yes, they have roads already there. Like he said the site plan has already been approved by the Board so they can't move anything.

Patsy: I understand that. Wasn't the Fire Chief concerned about Hidden Brook not being finished there? Didn't they have a problem there and they could not get to the house that went on.....

Jim: There was a fire on Hidden Brook earlier this year and the mutual aide companies that came in off of Lakewood and went down Hidden Brook hit a dead end and they are like.....

Rich: Ravenna Township knew the lay of the land and they knew where to go but the aide coming from another Township obviously did not know that, thus that's tying in with the comments that were made by the other person. It was hard finding Hidden Brook because it is not clear. Not as a substitution or anything if there is something that we can do in a temporary manner I heard someone mention about development sign being put up if there is something we can do to help that situation, I am more than happy to consider to direct people around.

Jim: My suggestion would be to get a hold of Chief Bosso and work with him. All his contact information is on the letter there.

Patsy: As you can see I have a safety concern here because that slowed down the fire department to get there. So that would be my concern that it isn't finished that they can't get to these homes. It's something certainly to look into as far as the Zoning Board of Appeal and I would like to see the Fire Chief and come back to the Board with a plan that the Fire Chief is comfortable. Thank you.

Tony: It is my understanding the way you guys are talking that they really don't have to finish the road if they decide to just pull out.

Rich: That's correct

Jeff: We do not have any forcible method of forcing them to finish.

Tony: Ok, I thought it was set in stone that they would have to complete the road then. So in other words, if things don't get better this road could never be completed then.

Rich: We want to see the road put in, as a business we have a reason to get that done and also we don't want to turn our back on our project.

Dorothy: It's bad for your reputation

Rich: Right, we are not trying to run away from it and again that is why we are here to continue on if we had no interest in this or didn't care we wouldn't be here, we would just say let it expire leave it as a field and you guys would be stuck with it as is forever kind of thing and that is not what our plans are. Our intentions are to build this and we just need a market that say A1 home kind of thing.

Tony: I guess I just misunderstood I thought when the development was set that is what they had to do. I thought that all the roads would have to be complete and I don't understand why they wouldn't have done that in the first place. I know they have good intention but this market could be thirty years from now and this road would never get completed. That's a real concern and a real problem.

Jim: That's something the Boards of Zoning Appeals could have said that back in 2003 said we are not going to allow you or have it written into the subdivision regulations that the roads have to be completed prior to any lots being sold. With that size of development that wasn't economically feasible to begin. But, that is something the Board of Zoning Appeals has the right to do.

Tony: Well, it's a little late now. Ok, thank you

Jeff: In the future that is something we could take a look at but again.....

The Board requests a five minute recess. We are back in session, thank you for your patients. We were speaking about the possibility about something that you might call a construction access road between the two pieces of road between Hidden Brook where the new road would be but, we don't look for a finished road at this time. In the relatively near future, what would be the possibility of something like that and maybe a sign or two of what existed there.

Rich: I cannot comment to that at this point in time. I would have to take it back to the owners for one and two I would have to do a review with the attorney because there are issues if it's temporary. You do not want to create a private road there are liability issues and this is getting a little bit out of my area of expertise that is something would have to be looked at to do that.

Jeff: I suppose it could be marked off for emergency use only and the fire truck could run over the chains and so forth.

Gary: Our thought process on this connection was the land, with as flat as I understand it and we were discussing so you wouldn't have to dig it back up next year or the year before when you want to put your roadway in is to cover it with limestone and compact it and that gives you a base that you are going to use later on at least it satisfies emergency situations and that's what our concern is tonight. Something that is temporary and satisfies the safety attributes for the citizens in the area today. Then you could build upon as you go down putting in the storm sewer or whatever.

Jeff: There are concerns about now you have a road and it's not a finished road as such and everybody on the other end of Hidden Brook is going to be driving down that road to get out to Lakewood regardless of whether you tell them not to or not.

Rich: I understand your concerns and within limitations we would like to work with you guys to some extent but, ideas, good intentions from my experience sometimes there are a lot of other things that need to be thought out. I really don't want to commit to something like this without having someone else looking at it.

Jim: Maybe the Board would consider looking into it and discussing it with the Fire Chief and then every six months that my office and their office touch base to see about where we are in the process of selling homes and getting the road put in. Just putting the burden of my office working with them on getting the road in as soon as possible and I'm willing to do that.

Rich: I also just want to throughout there is a dose of reality that there is not a line of people at the front door saying we want this. If it was there we would be doing it. I certainly hope that I'm not standing here five years from now and having a similar conversation. We hope it does not go that long. We do not have any intention of that but, again the market has to be there.

Jim: That is why I thought if we set the base every six month and see where you guys are at that I can bring back to the Board of where we are in the process.

Rich: I'm more than willing to do that but, I just wanted to throw that out to the Board for reality. I just didn't want to leave here thinking that it was going to turn around in six months. We have seen in some of our other projects that we have had similar situations

and we are starting to see the existing lots; we have not built any new roads for several years. But we are starting to see activity pick up in general.

Jim: Also, from sitting on Regional Planning we've given to numerous extensions to developments in Portage County that have not yet been started to developers to just hang in there and let's see what the economy does. We have not approved a new development for Portage County in at least three years.

Dorothy: The bottom line is you're not walking away from this.

Rich: I understand everyone's concern and it's a big one especially if there has been an incident earlier this year, I understand why it has really brought it to light of what has happened here. But, the reason we are here tonight with this Board is to have our original plan renewed because, we still have faith and still believe in the project. We still have the intention of building this road. I know we have gotten side tracked on when, when, when, and again we would love to start next week and have it all in by the end of the year. But, reality is the market is just not there. But we have faith that it is going to come back and we are here to say that we want to continue on.

Gary: I think the Board feels, from our discussion out there that it's not every three months because, that is only four time a year. I think every two, maximum of three months, you need to get with Jim and discuss where you are at as far as putting in a temporary road and of course Jim to discuss with the Fire Chief is he has mutual aide coming from other communities they better be aware that that street is only accessible in the one direction.

Rich: Unfortunately experience teaches us things and I have a feeling that that will never happen again with the fire department because he probably never thought of it. He knew what to do but he never thought about telling his neighbors for mutual aide that I can guarantee you that he has probably already told them that.

Jeff: If you come off of Summit Rd it's not hard to find off of Hidden Brook.

Remy: What are your thoughts on putting up signage to direct traffic?

Rich: I offered that before and we would be more than willing to do something like that and I would be willing to get with the Fire Chief and he would have some input on that and the street department would be another one to talk to and ask for any ideas. We are open to do something like that. Again, I don't see a whole lot of liability in putting a sign up since it would be on our property.

Jeff: We are going to work on our motion here for a moment.

Remy: Jim, are you comfortable with the three month check?

Jim: Sure

Jeff: I have here potentially for the motion. That conference takes place at least every three months about the road and access and that the new construction follow whatever new federal drainage requirements, catch basins maybe and that they contact the Chief about signs and keep him updated also on the potential of the new road. Anybody like to add to that? The motion has not been made yet we're working on that.

Dorothy: I'm good with it.

Jeff: The chair will make a motion to grant the extension to this Conditional Use as requested with the following stipulations that the applicant contact the Fire Chief Bosso about signage indicating that Hidden Brook Dr. is not continuance and where folks would have to continue to reach the other end of it and the progress, if any, on the construction road that they follow whatever the new drainage, catch basin or whatever the requirements may be and review these things every three months at the maximum with the Zoning office. Tom Proctor seconded it. R/C Dorothy Griffith – yes, Gary Long- yes, Tom Proctor-yes, Remy Arness-yes, and Jeff Gaynor-yes.

Jeff: Ok, your appeal has been approved and there is a 30 day waiting period for any interested parties, that any action you take are at your own risk. Other than that that's about it.

Rich: Thank you very much. Can I have a copy of the minutes?

Jim: Yes, after we get them all typed up your will get a copy of them.

Jeff: The Board has some things to conduct still, not things that involve the public, you are welcome to stay if you like and see these proceedings but, you don't need to.

Jeff: We need to journalize the motion we just past. Do we have a motion to journalize the 2013 BZA 03? Remy Arness made the motion, Dorothy Griffiths second it.

R/C Tom Proctor-yes, Jeff Gaynor-yes, Gary Long-yes, Remy Arness-yes, and Dorothy Griffiths. Motion journalized.

Minutes from the last meeting, July 10, 2013. Remy Arness made the motion to accept the minutes. Jeff Gaynor seconds it. Motion passed. R/C Remy Arness-yes, Dorothy Griffiths-yes, Gary Long-abstain, Jeff Gaynor-yes, and Tom Proctor-yes, minutes approved.

Discussion on not having a quorum to approve the minutes and access to a private road on S. Prospect. There is a private fire department access road only and that could be done going down to Hidden Brook the only problem would be in the winter time. We will not plow it if it is not a dedicated Township road because of the liability.

Dorothy Griffiths 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