

# **RAVENNA TOWNSHIP BOARD OF ZONING APPEALS**

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

The Ravenna Township Board of Zoning Appeals met on September 26, 2012 at 7:00 P.M., in a regular session, 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 taken: present were Dorothy Griffiths, Gary Long. Jeff Gaynor, and Remy Arness, Jim DiPaola, Zoning Inspector, and Carolyn Chambers, Zoning secretary. Absent was Jim Acklin

On the agenda was: Variance request 2012 BZA 05 Richard Wetzel and 2012 BZA 06 Larry Leiendecker

Jeff called Richard Wetzel up and swore him in, State you name and address please.

Richard Wetzel 4617 Brown Rd. Ravenna, Ohio

Jeff: Nature of your request

Richard: Just a variance on the property on Lakewood Rd. We bought it many years ago thinking that at some point there would be sewer and water. We got sewer and water but in the mean time they changed the code to be an acre and a half and it's  $\frac{3}{4}$  of an acre.

Jeff: Ok what are the surrounding properties like?

Richard: It is right beside a development and the other side is a cemetery.

Jeff: The development lots are not an acre and half probably?

Richard: No

Gary: In fact they are smaller than 3 quarter

Jeff: Any questions from anybody else on the board at this time? Anyone else wish to speak on this matter? Please come up front. State your name and address please.

Richard Everly, 5302 Lakewood Rd

Jeff: You are not far from the property?

Mr. Everly: No not far from the property in question. I think the variance should be granted to Dick and I had business with his sister Joann and we did run sewer and water I ran sewer to my property out of Hidden Knolls which that's in Rootstown Township. This lot is in Ravenna Township, but I ran sewer along the back of my property and tied my home into it and broke two lots  $\frac{1}{2}$  acre lots off, one to the south and one to the north and ran the sewer lateral up to that lot for Joann and in turn she paid the tap in fee for Rootstown water because it is my understanding that Rootstown water EPA had mandated that the Rootstown water and Ravenna water tie their water system together in case there was a emergency and it behooved everyone to run that water line up there. Now Rootstown water is a private utility it is not a public utility. So the only way that I would permit them to run that water and give them the right of way is if Joann consented.

Jeff: You are losing me as of the relevant

Mr. Everly: Well, the relevant is that the money was spent by the Wetzel family to have this setup and that lot is 100 ft. by 380 ft. deep that's a very nice lot. The lot that I sold.....

Jeff: is the 100 ft. the frontage?

Mr. Everly: Yes, it's a 100 by 380 ft. I sold a lot just south of that and that lot is only 90 ft. wide by 250. So I personally would have no objection to that lot I think it should be granted.

Jeff: What's the minimum frontage in that district at this point?

Gary: 100 foot.

Jeff: Ok, so we meet that even though the overall lot size is a little down? Any other questions or comments from the Board? Anything from the Zoning Inspector? No, we are ready for a motion, someone make a motion pertaining to this request.

Gary Long: I move that we approve the variance 2012 BZA 05

Dorothy Griffiths: I second it

Jeff: I would like to add to the motion that even though the lot size is below normally required it needs to meet the regular setbacks on both the front and side and rear setbacks.

R/C: Remy Arness-yes, Dorothy Griffiths-yes, Jeff Gaynor-yes, Gary Long-yes Motion passed.

Jeff: Your request for this undersized lot has passed there is an appeal period during which interested parties might make an appeal against this decision by us. Any action taken by you during that time would be at your peril for possible risk. You can stay or leave whichever suits you at this point. Next item before the Board this evening is application 2012 BZA 06, Larry or Lyn Leiendecker would you step forward please. State your name and address for the record please.

Larry Leiendecker, 4061 Summit Road, Ravenna.

Jeff: I have a map of the property and I can't see the location of the proposed car port on that map.

Gary: points to the location, it's dimensioned but it's not laid out

Jeff: How far from the property line would that be?

Larry: From the property line to the neighbor next to me?

Jeff: No, you line....

Larry: About 16 – 17 feet.

Jeff: How far is it proposed to be from your house?

Larry: About 6 feet

Jeff: Does it line up with the front of the house? It doesn't extend past the front of the house?

Larry: It extends past the front a little bit about 2 feet, I believe. I have a motor home and what I want this carport for is to protect my motor home from the snow and stuff.

Jeff: What Zoning District is this?

Jim: RM

Jeff: So we need 15 ft. to the sideline?

Larry: I think it is more than 15 ft., I measured it

Jim: Yes, when we looked at it, it was more than 15 ft. and he needs 15 ft. from the house.

Gary: That's where the problem is.

Jeff: The fire department gets unhappy with us with these 6 foot things. The Chief sat in on a request in the past.

Larry: This is not a permanent building. It's not going to have any footers, it's actually going to sit on the ground and anchored in with anchors. Because if something happens to my wife, we are going to sell my house and if I do then I'm taking that with me, for the price I'm paying for it I'm not going to let it set there cause I wouldn't get my money out of it.

Jeff: It being no permanent, does it still come under our jurisdiction?

Jim: Yes, accessory building, it doesn't have a footer like a regular building does and it's not like a pole type building, but it does have anchor system.

Jeff: Ok so it's attached

Jim: Yes, and it's over 192 sq. ft. we look at, we have to.

Jeff: There is already a 160 foot shed there and an attached garage. Comments from any other Board members?

Remy: Is it going to be an all metal structure?

Larry: Yes, but there will be no electricity in it. Maybe 12 volt electric I will run out on a coach. I do have electric lines that run on the ground to that shed that give me 110 to the coach just to keep the batteries charged up. Actually you will not see much of the building because of my garage on one side and the other side is my neighbor and his house sits out past mine so what you are going to see is probably the opening.

Remy: My concern was fire being that close to another structure. You worry about fires jumping.

Jeff: You expect to extend in front of the house past the front line of the house which we also don't care for. Something we been trying hard to keep from happening in the Township. Comments or questions?

Vince: You might want to consider too, if you're worried about fire jumping where he's got his motor home parked on one side of the garage it can jump from the motor home to the garage if you want to get technical. Being the back of the house, I don't see a problem with it. Dorothy lives across the street from it. It's no different than the ones people put up in the trailer parks. Isn't that right Jim?

Jim: Yes, or any other ones that we permitted to be put up there. Having them at the 15 ft. setback, we still permit them. We make them get a Zoning Certificate because it's over the 192 sq. ft.

Larry: So where the garage is is where I park my motor home right now.

Jeff: You say we have permitted this type of thing before but not that close to the house.

Jim: That's correct.

Jeff: The closeness to the house is a concern, 6 feet, that's not very far.

Gary: When I looked at it, if it would have been 13 or 14 feet I personally wouldn't had a big issue with it but, I have an issue with 6 feet.

Larry: That's where my motor home is going to stay anyway so what's the difference?

Jeff: It's not attached

Larry: It's setting there and it isn't going anywhere.

Jeff: The work motor may consider the fact that it is mobile.

Larry: It's got a propane tank in it too. It's got 75 gallons of gasoline in it.

Jim: Can I put another hat on and talk to you?

Jeff: Yes, Swears in Jim DiPaola, Zoning Inspector

Jim: As far as the closeness of the structure it doesn't, even if it was 15 ft. the structure is a common garage or pole building even that 15 ft. wouldn't make that much a difference in a fire because, you still have the radiant heat coming off that building and we have that problem in the trailer parks. They are more than 15 ft. from each other but the radiant heat. So it's not so much as a fire issue as it's in the Zoning Code. It's not a fire related issue.

Dorothy: I would like to say that I don't find it offensive, I don't find it unbecoming.

Jeff: Is it there now

Dorothy: The motor home

Gary: What is the studding and the shell of this covering is it steel upright and steel sheeting or aluminum, plastic or.....

Larry: No plastic, it's steel roof and steel half up the sides from the bottom up and from there then it's open so we get some light. I was going to take some clear plexa glass and cover that in so that the light can come in but keep the weather out.

Gary: What's your studding? The studding steel or what?

Larry: Yes

Jeff: It wouldn't appear to present much of a fire hazard

Larry: Everything's steel, I think their 2 and a quarter.

Jeff: Can you move it back so it doesn't extend to the front of the house?

Larry: No,

Jeff: The shed is in the way:

Larry: The shed is in the way and there is a concrete pad underneath that shed.

Jeff: The extension in front of the house is minimal as you say just a couple feet?

Larry: Yes, of course the motor home sticks out that far. This building, even though it says it's 37 feet that's counting the foot on the front and the foot on the back for the overhang. My coach is 33.6 so the inside of that is only 35 feet so I'm only going to have 3 inches from back and 3 inches in the front.

Gary: So the back end of it is 3 feet away from the shed is that correct?

Larry: 4 feet from the back of the shed

Gary: That setback in section 501.06 shall be located not closer than 15 feet you're at 6 and that's the principal building and 10 feet from any other non inhabitable buildings and you are 3.

Jeff: Which gives us two things to consider.

Larry: The other reason I had to put it there is I have a turnaround coming out of my driveway and it had a curb all the way around it and I had to cut the curb off on that one side just so I could get the back in where I've got it.

Jeff: Made a motion to recess for 5 to 10 minutes. Gary second

R/C: Jeff Gaynor-yes, Gary Long-yes, Dorothy Griffiths-yes, Remy Arness-yes.

Jeff: Called the meeting back to order and the chair is ready to entertain a motion on this variance request.

Dorothy, I so move, that we accept this variance request.

Jeff: With the stipulation that with the sale of the property the structure needs to be moved.

Larry: I have no problem with that.

Jeff: Ok, second?

Remy: I second the motion

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

Jeff: Your request has been granted and as I told the folks before you, there is an appeal period during which an appeal against that decision can be made. Thank you, you can stay or leave as you wish.

### Old business,

Jeff: is Mr. Tisher here. Have a seat if you like.

Jim: What had transpired, up to this point, is in November of last year Josh applied for a variance for size for a building that was denied. He came back in December for location of a building with the 1196 sq. ft. and you approved that and that's where I thought is where it ended. When I went out to Josh's property to look at it because I had a complaint from a neighbor about a water issue and I saw that the accessory structure of the 17x19 structure was still there along with the garage with the new accessory building. I said well he's over the 1200 sq. ft. So Josh and I have had some conversations and that the thing that he said he'd like to listen to the tape and I said it sounded like a good idea so Carolyn and I listened to the tape. In it Jim Acklin made the motion to grant the variance with two stipulation and you can hear it more clearly on the tape than what's in the minutes and that and you can listen to it when you want and made the stipulation. No. 1 that it not be used for commercial purposes and No. 2 that the small existing structure ever tore down then he couldn't build anything over the 1200 sq. ft. So after listening to that, Josh was right. I made a mistake I was wrong on that. That the accessory building is allowed to set and that's where I am with that. After listening to the tape yesterday that if there was any appeals it had to come within that 30 days. The neighbor on the tape said he did not have a problem with where the building was located and he really didn't have a problem with the size. But, being that he's a little over zealous about some things, he wanted the building to go saying we made a mistake. I told him the 30 days was up that you should have done your appeal to that decision within those 30

days and by rights if we had a problem with it we should have done our appeal within the 30 days. So that's where I am with it now. I don't have a problem with it and you guys just want to make sure that I'm seeing the same thing that you guys see. Josh is fine because he was granted and the reason I looked at it is because the Zoning Code says that you can't ask for the same variance within a year. You have to wait a year. I looked at it as he was granted a variance for something he shouldn't have been granted but, the 30 day appeal period the Township doesn't have a leg to stand on either. From my office point of view, if we objected to that granting the variance for the size which was done in the December meeting then we should have objected to it within the 30 days and we didn't so you guys decision stands. So that's where I am with it. Probably at that meeting what I should have done is say wait a minute you just gave a variance for something you denied 30 days ago. So that was where I was in error not bringing it to your attention.

Gary: When we denied it the first time it was denied on size though.

Jim: Right

Gary: That was corrected.

Josh: I was asking for a lot larger

Jim: He was asking for a smaller building but he was still with the 1196 sq. ft. that he ask for along with the accessory building is still over the 1200 sq. ft.

Josh: The base of the accessory building is the additional that is over and if I ever take that down which down the road, it's an older building which I threw some siding on and I'm going to paint the door and once the kids are gone we'll probably want to open that area up and we will be able to store the tractor and stuff in the other garage. That was in the stipulations I was confused whenever you guys approved it and that's when I came back and said what exactly did you approve and came back and said you can keep the other building if it ever comes down you can't rise above that 1200 again. So I was pretty happy about the decision because that's what I was looking for and honestly if you guys had not given that I probably not put the building up and probably thought about relocating just because it meant quite a bid to us for what we were looking for. As far as the neighbor goes, I am trying to work some stuff out with him. We have some drainage issues which have always been there they have just gotten a little bit worse. I've definitely done a lot of draining work in the past month, I've been working on the building and getting top soil and grass in and a bunch of drainage ditches and actually basic have all the water going on the opposite direction of where the problem is actually lying so working with trying to get that resolved. Based on the rain we have lately it hasn't been completely fixed yet. I don't know how much rain we've got because I'm either at asleep or at work so I don't see where it's coming from or what the problem is and hopefully we can get it squared away soon.

Jeff: So we are basically ok then

Jim: We are ok after listening to the tape it's much clearer.

Jeff: And the drainage issue isn't something that we directly address here.

Gary: Other than the water we are not having any complaints from any of the neighbors?

Jeff: He's not here

Gary: Doesn't really matter.

Jim: No that gentleman has come to my office and complained about the BZA approving the variance for the building and that and he has told me that he is coming to the Trustees meeting and he has never showed up, comes to my office for about a half hour and rants and raves and leaves.

Gary: Like you say Jim, he had 30 days just like we had 30 days.

Jim: Well that is what I told him that he had his 30 days and he said well, I'm not going to go to court and do that. So I said well the townships not going to be your attorney either that's not our job. This is what the appeal process is that was explained to you the night of the meeting. Then listening to it on tape, he says that I don't really have a problem where the building is.

Josh: The location what I was getting the variance he agreed was he actually suggest that to me. The distance between the buildings to push it out further in the hill. I still have trees there so it is a higher building it is in the hill and it's going to be sided and the house and garage is going to match.

Jim: And it meets all the Zoning requirements.

Jeff: So I don't see any kind of action that we need to be taking.

Josh: Thanks for listening to all that

Jeff: The next time the neighbor shows up, send him over to my place and I'll have a talk with him.

Josh: I'm planning on being there for awhile and I'm just trying to make it smooth and see what we can do.

Jim: It looks real nice

Jeff: Ok, we need to journalize tonight's decisions. Do we have a motion to journalize 2012 BZA 05:

Remy, I so move and Jeff second it. R/C Jeff Gaynor-yes, Gary Long-yes, Remy Arness-yes, Dorothy Griffiths-yes

Jeff: A similar motion of BZA 2012 06. Dorothy Griffiths, I so move. Gary Long, I second it.

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

Jeff: Do I have a motion to approve the minutes from the last meeting as presented to us?

Gary Long, I so move and Jeff Gaynor second it. R/C Gary Long-yes, Dorothy Griffiths-yes, Jeff Gaynor-yes, and Remy Arness-yes. Does anyone else have anything to bring before the Board? Chair will then entertain a motion to adjourn. With no more business, Dorothy Griffiths made a motion to adjourn.

Jeff Gaynor adjourned the meeting at 7:40 p.m.

Respectfully submitted

Carolyn Chambers, Zoning Secretary

Cc: Trustees (Coia, Artz, Gibson)  
Zoning Inspector ( DiPaola)  
Board Of Zoning Appeals Members (5)  
File