

RAVENNA TOWNSHIP BOARD OF ZONING APPEALS

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The Ravenna Township Board of Zoning Appeals met April 13, 2011 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 7:05 p.m.

Roll call was made with board members present: Jeff Gaynor, Dorothy Griffiths, Remy Arness, Gary Long, Jim Dipaola, Zoning Inspector, Vince Coia, Trustee and Carolyn Chambers, Zoning Secretary.

On the agenda for the evening was variance request 2011 BZA 03, Linda Graves Solinski, to build a new home behind the existing garage that is already on the property.

No Old Business to report on

Jeff Gaynor ask for Mrs. Solinski to come forward and state her name and address.

Mrs. Solinski: Linda Graves Solinski, 2914 Lovers Lane, Ravenna Township.

Jeff Gaynor: Is 2914 the property for the variance tonight?

Mrs. Solinski: Yes it is

Jeff Gaynor: Ok, is there a house there already?

Mrs. Solinski: No, there is a trailer

Jeff Gaynor: What is the nature of your request?

Mrs. Solinski: That I do not build within the first 300 feet of the garage because there is an existing garage there because it is all under water and I have picture to show that it is. So we are asking to build slightly on an incline where it is drier in front of two other barns.

Jeff Gaynor: So, about how far back from the road would that be?

Mrs. Solinski: Around 350 feet

Jeff Gaynor: Is there residential property on both sides of this?

Mrs. Solinski: Yes there is, there is Simons and Swain

Jeff Gaynor: Simons have a very narrow road access for a driveway so their house is situated rather far back

Mrs. Solinski: Yes, and I will be in front of their house

Jeff Gaynor: You will be in front of their house you said?

Mrs. Solinski: Yes

Jeff Gaynor: Ok, they have been notified of this so they're not probably terribly concerned

Mrs. Solinski: Yes, she suggested where I would put it, I wanted to build back by them. She said just remember you are getting older and the long driveway is a problem in the winter. So she suggest I build in front of the woods instead of behind the woods. I said alright. Mrs. Swain is 89 and she said she had no problem with me building back there.

Jeff Gaynor: I see two small lots and the other one has a driveway only access to it doesn't it?

Mrs. Solinski: Yes,

Jeff Gaynor: Wow, I wonder when these were set up. You don't see this sort of thing anymore

Mrs. Solinski: I'm the only one there with the widest frontage

Jeff Gaynor: Yes, these are all kind of mixed up, strange. Anyone else have any questions? The Zoning Inspector is here would you like to make any comments on this?

Jim DiPaola: Yes

Jeff Gaynor: You have to be sworn in then please. Swears in Jim Dipaola Zoning Inspector.

Jim DiPaola: The reason that she is here for variance is because our code prohibits having an accessory building in front of the house and if she was to build where she wants to build then that would create a Zoning Code violation so that is why she is here for the variance. But as far as everything else that she wants to do it meets all the requirements.

Jeff Gaynor: You don't have any particular concern on this then other than the fact that the garage is in the front.

Jim DiPaola: That's correct

Jeff Gaynor: How big is the garage?

Mrs. Solinski: 25 x 30

Jeff Gaynor: What sort of structure is it?

Mrs. Solinski: It's a slab with a small attic. One side is a one car garage and the other side is a utility room with water and a wash machine in it.

Jeff Gaynor: That's going to be along walk from the house also.

Mrs. Solinski: There are two buildings in the back that can be used as a garage also.

Jeff Gaynor: You wouldn't be entertaining any thoughts of making that a livable structure?

Mrs. Solinski: No we can't because the drainage is not proper. I have to put the washing machine hose out the window in order to drain and they said the dry well on the other side of the garage is so decayed from the trees crushing it that it's not worth it, you building a new house I'm not going to charge you \$10,000.00 to dig up your water lines and your garage to try to get the water to go out.

Jeff Gaynor: Sounds reasonable don't let the EPA see you poke that washing machine hose out the window.

Mrs. Solinski: Right

Gary Long: Did you have to install a new septic system?

Mrs. Solinski: I don't know at this time, right now I do have a usable dry well, in fact there is four of them on that property. Two of which I know where there are and two they say is on the opposite side on the left. I know where the two are on the right; I'm using one of them. The health department said when I ask them, I'm counting on putting a new system in. Their saying because I'm building two bedrooms I may not have to

give up my dry well. I said, “wait a minute it holds surface water we have never had to clean it.” In the twenty years we’ve been there we cleaned it twice. They said all that’s in there is ground water; I don’t think the EPA is going to let that float.

Jeff Gaynor: Yes, a dry well is not going to be suitable for septic system

Mrs. Solinski: But, they are telling me I’m going to be able to use it and I said I’m not going to hold my breath on that one.

Jeff Gaynor: Yes, I suspect that they are going

Mrs. Solinski: It will be able to drain in towards that dry well if we have to.

Jeff Gaynor: And that’s not completely our problem anyhow, we want to make sure that the things are available and so forth. Any other questions from the board?

Remy Arness: Why didn’t you want to do an attached garage on your house?

Mrs. Solinski: Because there are two sets of dry wells and the garage is surrounded by water.

Remy Arness: Well that would be this garage right, you live here now and you are using this dry well as you’re septic.

Mrs. Solinski: Yes

Remy Arness: I’m just saying you are building a whole new house why wouldn’t you just build; you know meet code by putting an attached garage on there and then make plans to eventually remove that?

Mrs. Solinski: We just put \$10,000.00 in to researching that thing and what I want to do is use this building here as the garage.

Remy Arness: Yes, it’s next to the house.

Mrs. Solinski: It’s behind the house a little

Jeff Gaynor: Code doesn’t say she must have an attached garage does it?

Jim DiPaola: No, it can be attached or detached.

Jeff Gaynor: That’s what I thought

Remy Arness: But a new structure requires a two car garage on the property

Jeff Gaynor: Yes, but she has plenty of property

Mrs. Solinski: We didn’t build a garage there it was there when we purchased it.

Remy Arness: So why did you decide to build a new house? You’re living here and then

Mrs. Solinski: Because this is only 98 feet off of the street adding your 15 feet so that means that I’m even closer to the city property because from the center of the street I am 98 feet from the road and I have cars coming into the front, they have already hit my telephone pole. They have put a drainage system in over here in the ditch, dug it bigger and we are still having cars run into our yard because I am at the bottom of two hills so I get all the water, it drains into that drain system that is not big enough to handle it so I flood across the road and then that’s why we cut down the big pine trees out there because they have almost hit them and I said I do not want to live 94 feet from the road it’s terrible. If they ever have to widen that street, which I highly doubt they will, because it’s a dead end,

Jeff Gaynor: Widen Lovers Lane there’s a concept for you.

Mrs. Solinski: Unfortunately everything drains from my back yard from this well and floods her property and floods this, floods this and this (points to the map) is totally surrounded and we have already built a driveway in here to build it up and we still flood, all of this is wet, all of this is wet, and all in here is wet (points to map) I have pictures here to show you.

Jeff Gaynor: Are you thinking of filling that in or anything in time?

Mrs. Solinski: They said that when they build the foundation for this because it is only going to be a crawl space, their pushing all the dirt forward to help out. But the other side's there is nothing we can do except eventually try to drain it to the ditch and without the trailer there they will be able to do that.

Jeff Gaynor: So the new house is around 1500 sq ft?

Mrs. Solinski: Yes 30x50

Jeff Gaynor: Ok, any other questions or comments from the board? Questions or comments from anyone else? Chair will entertain a motion on this variance request my opinion the motion should stipulate, one trailer is gone now is that accurate?

Mrs. Solinski: Yes

Jeff Gaynor: That the other trailer will be removed, oh there are two trailers there.

Mrs. Solinski: Yes, there are two

Jeff Gaynor: So the motion should have a stipulation that those trailers be removed as the new house is finished.

Mrs. Solinski: They will be

Jeff Gaynor: We have to get that in our resolution so that it's noted.

Gary Long: I move that we approve the BZA 03 2011 with the stipulation that the trailers be removed upon completion of the house. Dorothy Griffiths second it.

Dorothy Griffiths-yes, Gary Long-yes, Remy Arness-yes, and Jeff Gaynor-Yes

Jeff Gaynor: Ok, your request has been passed there is an appeal period during which folks who might be having an interest in this can appeal and any action you take during that time is at your own risk.

Gary Long: Do we want to journalize that too while we are at it?

Jeff Gaynor: We will, yes. That completes your part of this you can stick around and listen to the exciting stuff we do next.

Mrs. Solinski: How long do they have to appeal?

Jeff Gaynor: Technically I've been told I'm not supposed to tell you its 30 days so I won't do that.

Jim DiPaola: The appeal period is 30 day.

Jeff Gaynor: That sort of borders on legal advice.

Jim DiPaola: We can issue your permits tomorrow if you wish, if you do any building between now and the 30 days it's at your own risk. Since I don't sit on the board I can tell you that if there are no objects now that there probably won't be down the road and if you wanted to get started after it's journalized that's your right too.

Mrs. Solinski: It will probably take another 30 day to get to the building department and health department; they probably won't let me do anything.

Jim DiPaola: That's right I can't issue the building permit until you get the approval for the septic cause we have to see that approval. So we can't do anything until, so it will be about 30 days anyway.

Mrs. Solinski: So I go to them next?

Jim DiPaola: Yes, go to the health department and get your approval because we don't give you anything or the building department won't give you anything

Mrs. Solinski: Do they lift the lid on the dry well to check it out because they said they wanted to see it.

Jim DiPaola: Yes, they probably will. They have a health inspector and he goes out

Mrs. Solinski: And they lift the lid? That things heavy. We had it removed twice.

Jeff Gaynor: They might need equipment to do that, it depends on how big the inspector is.

Mrs. Solinski: Thank you

Jeff Gaynor: Our Zoning Inspector has something he wants to bring before the board.

Jim DiPaola: Chris Meduri and I have been discussing the Fleshman appeal and it seems like most of it is due to screening, the visibility.

Jeff Gaynor: What in the world would he hope to see or miss seeing? The building is a couple hundred feet from his house right?

Jim DiPaola: He or his family has an issue with the whole business being in there and there's nothing that can be done about that because they are a legal conforming use. We get daily emails from him with photographs and he has called the EPA three times and they have been out there and said there is no problem out there we are not coming out anymore; the sheriff's department has been out there for numerous complaints about dirt on the road. They finally called and said they are not coming out anymore; this guys a real nuisance to them.

Jeff Gaynor: I missed the point about the EPA because he had them out before and various other people. When he was here fighting against the building being put in I should have said all the inspectors that have been there haven't found anything wrong so you don't have a leg to stand on but, it wouldn't have helped in the long run.

Jim DiPaola: And the other brother and the Mother that are on one side but it is Regan that lives right next door.

Jeff Gaynor: This is the guy in the mobile home; you say right next door there is a fair bit of wooded area between

Gary Long: There are at least 25 or 30 feet there

Jim DiPaola: There is a well access road and there are plenty of trees

Jeff Gaynor: There are trees on both sides of that road before you ever get to the junk yard fence.

Jim DiPaola: And I've been out there three times now for noise complaints, there is more noise from the 7200 cars a day that goes by the house than there is from the yard and that's going from the property lines and with my back to the road the meter is peaking every time a truck or something that goes by and with the machines working over there their hitting the most 63 or 65 decibals.

Jeff Gaynor: That has got to be an intermittent kind of thing

Jim DiPaola: And it is very intermittent. They complain about the vibration and everything else and there has been no breakage or anything that could get vibration. So Chris Meduri is talking to their attorney and thinking that maybe we can resolve this. The owner has gone out and bought the slats that go through the fence and he is going to install them. He said what more can I do? I said I don't know, you have done your part and done whatever. I think between the sheriff's office and everyone else we would love to tell him to just move. He has told them to come out and check it and that he probably won't be home but they can leave a note on the door. They said they won't do that. The thing that I did talk to Chris Meduri about, I gave him all the paper work and he said that probably when the Board does variances from now on actually verbalize that you have gone through that section in the book that pertains to either the use variance or the area variance and go point by point and verbalize.

Jeff Gaynor: So we have a record of recognizing the various aspects.

Jim DiPaola: Right and I will give you a copy of what he sent me in an email for your own personal thing and since it is from our attorney I won't put it in the public record. It's on pages 57, 58 and 59 to verbalize point by point. So that describes what to do and he said that would be the only point of contention that the court might look at and say well you didn't verbally go through it. He said from the meetings now on just go through and point this out. That's all Chris had to say about it.

Jeff Gaynor: That's a good point.

Jim DiPaola: Their attorney sat down and read the minutes that they never really said we are opposed to this building because, they always said they were opposed to the whole business because.

Jeff Gaynor: That is not our problem here. These pages are the bases for variation that weather or not we should allow a variance?

Jim DiPaola: That's correct. There's a section for the next time you hear conditional uses and that, then a use variance and they have an area variance, it is the use of the area not the use of the business. Chris said when someone comes in you have the latitude to determine if it's a use or area variance that you can change it if doesn't suit one of you say well this is a use variance not an area variance.

Gary Long: I take it the issue is not over then

Jim DiPaola: We can probably resolve the law suit I think once they get the screening in there and sit down with the owner and their attorney. If we can keep Regan away or keep him out of the room then I think we can get things resolved.

Vince Coia: They need to lite on one subject, it goes from what they can see lined greenery and then it reverts back to the stuff on the road, and noise. Well you can't have your cake and eat it too. What is it you want? If they would have shut up long enough that night they would have had their greenery and they would have had their privacy the lawyer and the owner were that close to doing it. I heard them talking about it.

Jeff Gaynor: This is a guy who would much rather have a problem than a solution. That pretty much covers it.

Jim DiPaola: Chris Meduri did call their attorney and tell them to put a leash on him and tell him to stop doing this because he is annoying.

Jeff Gaynor: Keeps calling the Sheriff often enough they will put a lease on him and an ankle bracelet

Carolyn Chambers: He is boarding on harassment.

Jeff Gaynor: Do I hear a motion to approve the minutes that are presented before us here tonight. Remy Arness made the motion and Jeff Gaynor second them. Remy Arness-yes, Dorothy Griffiths- yes, Jeff Gaynor-yes, and Gary Long-yes. Minutes approved

Jeff Gaynor: We need a motion to journalize 2011 BZA 03 Gary long made the motion to journalize. Remy Arness second it. Gary Long-yes, Dorothy Griffiths-yes, Remy Arness-yes, and Jeff Gaynor-yes

Jeff Gaynor: Any other business to come before this board? Then we need a motion to adjourn. Dorothy Griffiths made the motion. Jeff adjourned the meeting at 7:30p.m.

Respectfully submitted by
Carolyn Chambers
Zoning Secretary