

RAVENNA TOWNSHIP ZONING COMMISSION

RUTH SCHELL, CHAIRMAN, BOB VAIR,
BEVERLEY KIBLER, BILL STONE, AND JIM JUST

The Ravenna Township Board of Zoning Commission met on June 19, 2014 at 7:00 p.m., at the Ravenna Township Trustees Meeting Room at 6115 S. Spring St., Ravenna, Ohio.

Chairman, Ruth Schell brought the meeting to order at 7:05 p.m.

In attendance were, R/C: Beverley Kibler, Jim Just, Ruth Schell, Bill Stone, Bob Vair, Carolyn Chambers, Zoning Secretary, and Jim DiPaola, Zoning inspector.

On the agenda was to approve the minutes from the February 19, 2014 meeting and to discuss the Zoning Code and possible changes

Beverley Kibler made a motion to approve the minutes of the February 19, 2014 meeting and Bill Stone second the motion. R/C: Bob Vair-yes, Bill Stone-yes, Ruth Schell-yes, Jim Just-yes, Beverley Kibler-yes, Minutes approved

Open Public Forum

No One

New Business

Review Zoning Code and possible changes.

Jim: We ran into some issues, not just Ravenna Township, but the county and other townships where banks have denied loans because if a house is damaged beyond half its value it can't be rebuilt except for the original footprints. So Regional Planning looked at Rootstown and Brimfield, they both had the same problem. They looked at language that will allow that to happen and Rootstown and Brimfield both changed their Zoning Codes. My office was working on that, because we haven't had anything happen until this gentleman tried to sell his property and it came up. That is why you folks are here to take a look at the language that was provided from the other two Zoning Codes and try to incorporate it into ours because, we obviously need to make some changes in that. The area that this gentleman live in is the red area over by the East side town General Commercial. Where, in G.C. the zoning pertains to business and that from the south side of that road from Haasz Automal all the way to the trailer park is all Residential and if they try to sell any of the people in that area or any of the people that live out on the west end of 59 that are on the north side of the road try to sell their property that also has a potential of coming up and being detrimental to them being able to sell it. The reality people were a will pain in my backside. This lady would just not let it go. I told her we were going to try to change it, she wanted and emergency meeting to change it. It doesn't work like that so the Zoning Commission is the first step in this process and we have some language to look at and that is the language we've been able to find. I will entertain any questions you have.

Jerry Brode: I have a question. If you change the zoning will somebody check with (unaudible) that they will accept this?

Jim: That is out of our jurisdiction.

Jerry: So this could happen again?

Jim: They are up to interpretation and the way that you interoperate our code is that it has to go through a court process. To call up the VA and ask them if this works for them it's like asking anybody's opinion and my concern more is with does it stand the test of what the prosecutor would have to represent us for than with the VA we'll send the language to the prosecutor and say does this language, that we have here, meet all the criteria for it being legal? What he looks like is the court's opinion on things like this and not the business's opinion. What we have found out by talking to Brimfield and Rootstown is for their legal end of it that it meets the criteria. You run the risk at the VA there could have been somebody else that could say yeah this is fine, but that's their opinion of it. You, the property owner, we are trying to give you something that in a court of law will best represent you.

Bill: Are we talking about the brick house that you are trying to sell on 59?

Sam Beutler: No, that is not the brick house, Jerry's is next door.

Bill: The one that burnt?

Sam: That was mine

Jerry: It is not for sale anymore.

Bob: What is your problem out there Jerry, you trying to sell something that is already damaged?

Jerry: No, I'm selling my home. When I went to sell it, I have been on the market for a year almost and finally got this young couple to buy it and they got a VA loan, because he's a veteran. He went to the bank and everything's happy until this guy in the VA said we will not guarantee this loan. So therefore, we can't have the money and of course if we can't get the money we can't sell it. So I can't sell and my neighbor next door has his up for sale too and I went over and told his realtor that there is a problem on our road. You can't sell your house.

Bob: So that's all industrial?

Jim: General Commercial.

Bob: So what is really the problem?

Jim: The problem is the banks are leary about making loans because there is the possibility if that was destroyed that it could not be rebuilt. Today if your house is destroyed the insurance company is going to give you x amount of dollars and so you rebuild it. As long as you conform with the Zoning Code you rebuild it.

Bob: You are grandfathered in now but, won't be if it is over the 50 percent?

Jim: Then what the Zoning Code has said a single family homes are not a permitted use in General Commercial. In order to be able to rebuild there he would have to get a variance. Well, you can't get a variance until something happens to cause you to need a variance even though his home is standing right now he can't apply for a variance, because there is no violation. Right now he is what we call a legal non-conforming use. But, if it is destroyed

Bob: If he sells his house is that grandfathered still go for the property not the owner? That it would still be the problem is if something happens to that house they're in trouble.

Bill: Is the property zoned residential?

Jim: No

Bill: Even though it is all residential it was all rezoned.

Jim: We are not sure if the rezoning took place if there was a rezoning. The classification that is on the auditor's web site and what the auditor's classification is residential that is classified because of tax purposes. A commercial building is going to be taxed at a higher rate than residential. So the necessary use of the building doesn't

always reflect the use of the building. So he is a legal non-conforming use, but once that non-conforming use goes away nothing can be done there without obtaining a variance.

Jim Just: It looks like what Brimfield does is delete the 50% for those averages and then add that you have to rebuild on the existing zoning code. That's basically all it's doing right?

Jim DiPaola: Yes

Jim Just: Would that take care of his problem to just delete that part? That's all Brimfield did was delete that part and then added detail must following the existing requirements. That's all it does

Bob: It has no money involved and no value amount.

Jim DiPaola: Rootstown, I think, differentiate between a residential structure and a nonresidential structure.

Jim Just: What the problem is we don't differentiate, a factory burns down more than 50%?

Jim DiPaola: A factory, is going to be in this area, is a legal use so it just follows the Zoning Code. Where with his property he will still need a variance if it wasn't differentiated. For residential structure that's sitting there it should have the same right for anybody that is a legal use. For our house, if something would happen to our houses because we're in an area permitted. We should be able to rebuild that house. The factory more than likely would be able to be rebuilt without a problem. It's the residential structure and that's where Rootstown changed theirs to damage or destruction to nonresidential structure they defined it out a little. Then they have a section on the second page that residential structure destroyed by natural disasters. He should be able to rebuild his house as long as he meets the setback requirements for that area. As well as anybody should. The goal of Zoning, besides regulation, is to provide a means for non-conforming uses to go away without any fan fair and whoop la. If he decides to sell his property to a commercial endeavor that is how the non-conforming use goes away with a normal process. But, if his house or any other house is damaged and destroyed they should have the right to rebuild that property and keep it a non-conforming use as long as they wish.

Jim Just: So that would cover him selling to another person?

Jim DiPaola: Yes, once we get this language ironed out, we should be able to, when this process is done down the road, there should not be problem with him selling his house.

Bob: He would grandfather it over to the next owner.

Jim DiPaola: Right. It is just something to look at and try to figure out the best way to work all of this in. Once we come up with a draft of a language it will get submitted to Regional Planning because, they have to look at it before the Trustees look at it and then could come back to you folks for refining that, but once we come up with a language after we hear your concerns and their concerns. Even if we have to refine this a little bit more that's a step we will take.

Par Artz: Was this already approved by everybody and it's in their Zoning Code already?

Jim DiPaola: It's in their Zoning Code now.

Pat: Why can't we just take it and use it?

Jim DiPaola: We can't because we have a legal process we have to go through

Jim Just: Rootstown seems to be the better wording.

Jim DiPaola: It is just something for all of you to take home digest and try to tweak it yourself and see where it fits or doesn't fit and come up with language that you like out of the two of them.

Bob: We can't use the exact language that Rootstown has?

Jim DiPaola: Sure you can. If you like that language the best and that's what you decide on sure. I'm still looking around to see if I can find something that's got more to it that really defines it out. If you have a residential structure there won't be any restrictions as far as being able to rebuild the footprint of the house. You got a 800 sq. ft. house now and the Zoning Code says minimal allowed is 1200 sq. ft then if it is destroyed and you have the money to build a 1200 sq. ft. house you should be able to build it as long as you meet the side and front and rear setbacks for that area.

Bob: I'm surprised that this has never came up here previously

Jim DiPaola: It never came up previously, because the banks were so generous with lending money out and selling stuff that they didn't look really in depth, they didn't see a problem.

Bob: They could have lost money.

Jim DiPaola: yes, but once the banking industry and everything all their predatorily and practices came out, they are under a microscope. All their legal people got together and say you read everything that comes across that pertains to that property. So when you pay \$250.00 for a title report you get \$250.00 worth of title report.

Jerry: The title people, they had their own title people. We called them and they said everything was wonderful so get ready to move. So they didn't do too much searching. But the searching people for the VA loan. Like I said their probably just like the VA is going they are probably waiting for that kid to die so they don't have to give them any money.

Bob: I think it definitely needs changed.

Jerry: The paragraph on the second page is what all the problems, just say you can rebuilt your house. Why am I non-conforming? My house was built in 1930 and has been there all these years and now I'm non-conforming.

Jim DiPaola: Because the present Zoning Code reads that single family and two family homes are not a permitted use. On that zoning district on zoned commercial which is where his property sits and all properties that sit in general commercial.....

Bill: So if my house gets destroyed am I allowed to put another house up on my property?

Jim DiPaola: It would have to be the same size sq. footage. It has to drop right into that footprint, which is not right.

Bob: It has to be at the exact location?

Jim DiPaola: Yes, it has to be exact location. Exact everything.

Beverley: It would have to be that owner as it is now a new owner could not.

Jim DiPaola: Present owner can a new owner can't.

Ruth: Would that be part of the change, saying that?

Jim DiPaola: Yes, the Rootstown Zoning addresses that about residential structures being destroyed by natural disaster and that pretty much covers everything?

Bill: When he sells that and repeats that property. What right do the new property owners have then?

Jim DiPaola: They don't have any.

Bill: So the resale value just went whoosh

Jim DiPaola: Depends resale of residential yea it dropped to the ground. Resale for commercial is still

Beverley: But, most commercial is not going to want to buy a lot size that has a house on it.

Jim DiPaola: A long narrow lot.

Sam: I can't figure out why it got zoned commercial in the first place.

Jim DiPaola: I couldn't tell you and that was probably before my time.

Pat: If I were to guess and we were in on that we look at these things we paid \$25,000.00 for a study and you have Haasz and that whole corner. Probably most of it is more commercial and then you have the trailer park, probably more commercial than it is residential. By law you guys would have gotten a notice.

Jerry: No one, that I talked to, in the neighborhood got a notice.

Pat: Oh, they would have had to. I can't.....

Jerry: Even if I would have got a notice I would have come here and I'm sure your people don't have the time to say ok Jerry we're going to explain every sentence in here to you. Probably nobody thought that this would happen and I'm sure they didn't do this on purpose.

Pat: Oh no I'm sure. I'd say they probably looked at it, but I'm not on the Zoning Commission and said this whole area should be. It's got Carter and if you look around that there are probably four homes involved or three.

Jerry: There are 13. I went to the Zoning meeting for Carter and I have no complaints, because they were leaving me alone.

Bob: Wasn't that zoning before Haasz and all that?

Jerry: Oh, Yeah that was always.....

Pat: That would have been Polichena, because they owned it for a long time.

Sam: But, that was all a separate section it was all residential down where the houses were, at least it was when I bought my home.

Jerry: Well, it was when Carter went in too, because I remember the zoning map

Pat: Would this go quicker since we already been done before us would the process be speed up or not? What are you thinking time wise?

Jim: We should be able to finish this up by September.

Pat: No sooner than that?

Jim DiPaola: The next step would be for them to take a look at it and see if they want to tweak it or whatever then they schedule another meeting.

Pat: I am thinking if Jerry has someone to buy it and knows that in 60 days or so it would be ready for them. I'm guessing can we speed this up because, we don't want him to lose this if he.....

Jim DiPaola: We can only do what the law allows us to do.

Jerry: My other question if they buy it they can't rebuilt it if it burns down?

Jim DiPaola: Nope,

Jerry: Well why would they buy it then?

Jim DiPaola: And that is probably what the VA was thinking that they can't.

Jerry: If they change it to Rootstown they still can't?

Jim DiPaola: No, if they change it to Rootstown, if we change the language in it to take that out because, it not only addresses you as the current property owner but, it addresses anybody else coming in after and you are a legal non-conforming use. Once the property is sold they can't and that's the language we want to change and take out. The residential part we want to address strictly he could rebuild, but it would have to be in that same spot.

Pat: It says 50% or over he's in that.

Jerry: I would have to get a variance.

Jim DiPaola: This would take all this question out. We want to eliminate the problem of them having to get a variance and all that. It's very confusing and that's the problem. If you had two different people from the VA look at it they probably both would have said something different.

Jerry: The guy right now is on active duty and that's why we had to get out of the house, because he wanted to move in.

Pat: Why don't you rent it to them?

Jerry: Where am I going to go? I needed the money for the house to pay for what I am buying.

Pat: Oh, I see

Bob: Wasn't the realtor checking in or this?

Jerry: The realtor checked with the Auditor and the Auditor said no, that is Commercial Residential. That is Residential property so they ran with it. They don't go to the Zoning people and ask. They only care about what the tax rate is.

Bob: Is it taxed residential or commercial?

Jim DiPaola: It is taxed on a residential structure. The Auditor could care less what the zoning is and zoning could care less what the Auditor does. We are looking at it from two different things. They are looking at it as what kind of use is it, a living area or a commercial endeavor and they are taxed different. We look at the use, but in a different manner.

Jerry: The only benefit I received is that the State paid me more money, because my property is commercial.

Pat: Well that's comforting a little bit.

Jerry: Of course the state says my property is worth more than my house. Our property is worth \$50,000.00 an acre.

Ruth: We have to take a vote on this now to do this?

Jim DiPaola: No, you just have to take a look at it and see if everything works for you what works best for each one of you and then come back in a meeting and we can talk a little bit more and I'll see if I can find anything that really strengthens the language up. I've been in the Zoning office since late 2007 and up until two years ago I never had a call from a bank when someone was selling something on what's the zoning. In the last two years I have probably gotten fifty calls.

Pat: So, Jerry you think you lost the sale on the house?

Jerry: I don't know, I took the house off the market all I know is that the lady wanted it real bad, the both wanted it they have three kids and they liked the property. Look at what the state is doing, they are actually doing me a favor in a way. They're moving the road to the other side and giving maybe more, but it will be the utilities and that. So, we might end up with more frontage, but they're own more.

Ruth: When is that going to happen?

Jim DiPaola: Next year, the plans are sitting down in my office right now.

Pat: Can this Board meet more than within thirty days? Can they meet in a week or two? Can they have an emergency meeting?

Jim: We have to be able to put the notice in the paper ten days prior to the meeting. So if they meet in two weeks we can get the notice in the paper.

Pat: So we can help this guy a little bit?

Bill: I'd like to see this done.

Bob: It could affect any of us. It would affect our properties, we don't know.

Pat: Do you think ninety days would kill the sale? But if only sixty wouldn't. I'd like to see this expedited for him.....

Bob: September that is roughly over two month.

Everyone talking.....

Ruth: It doesn't have to be a month right?

Jim DiPaola: No, as long it is over ten days so we have time to get it in the paper. We still have to follow what the law says. I hate to lose in court. Two weeks is going to put it at the 4th of July. Three weeks would put it at the 11th of July. Whatever works out for you guys.

Beverley: What if we set it for the 10th? That's a Thursday

Ruth: Are we in agreement?

Bill: If we come up with a new proposal, how long until they adopt it after we propose it?

Jim DiPaola: Once you guys pass a resolution it gets moved to Regional Planning and Regional Planning has to schedule a hearing to do it and then from Regional Planning it goes to the Trustees. There is a time limit in-between at the next meeting I can map those out for you.

Beverley: When does it go to the Prosecutor? After which step?

Jim DiPaola: About the time it goes to Regional Planning I will send it to the Prosecutor and have them look at it.

Beverley: So you are going two at once to get it.

Jim DiPaola: In fact, the meeting I just came from, Chris Meduri was there speaking on non-conforming uses. So they were talking about this issue when I left the meeting to come here.

Pat: It shouldn't take long to get through the Prosecutor's office and Regional Planning.

Jim DiPaola: If you have it in July, Regional Planning will not hear it until August because they only meet on the second Wednesday of the month. Once Regional Planning have it the Trustees have to schedule a Public Hearing and after the Public Hearing when they vote on it. But, the Public Hearing could be the same night.

Pat: If we have to have an emergency one we can do that.

Jim DiPaola: We will get this moved as quick as we can.

Everyone talking.....

Jerry: I have a complaint to the Trustees that you paid some guy \$25,000.00 to screw us up, I would have done it for nothing.

Pat: That man hated me so much.

Ruth: So we are at old business. Anybody here have any old business?

We need to vote on the next meeting which will be on July 10.

Bill Stone made the motion that we have the next meeting on Thursday, July 10, 2014.

Bob Vair second it.

R/C: Jim Just-yes, Ruth Schell-yes, Bev Kibler-yes, Bill Stone-yes, Bob Vair-yes

Beverley Kibler made a motion to adjourn at 7:40 p.m.

Respectfully submitted by

Carolyn Chambers
Zoning Secretary

cc: Trustees (Coia, Artz, Gibson)
Zoning Inspector (DiPaola)
Zoning Commission (5)
File