

# **RAVENNA TOWNSHIP BOARD OF ZONING APPEALS**

*JEFF GAYNOR, CHAIRMAN, REMY ARNESS  
GARY LONG, JOANN McEWEN, AND CLAIRE MOORE*

Jeff Gaynor brought the March 14, 2018 meeting to order at 7:00 p.m.. R/C: Jeff Gaynor – here, Remy Arness – here, Gary Long – here, Joann McEwen – here and Claire Moore – absent. Also present was Jim DiPaola, Zoning Inspector and Carolyn Chambers, Zoning Secretary.

Jeff: Record will show that we have a quorum. Is there any old business?

Jim: I have some old business, but we will do that afterwards.

Jeff: Old business is put on hold. New business we have a variance request 2018 BZA 02 for Rory and Deena Franks of 5499 New Milford Road for an out building. Is Mr. or Mrs. Franks here? Would you come forward please? It is important that any comments that anybody wishes to have recorded is made at the desk or table here so they can be recorded and entered into the minutes. Comments from the back of the room are A. unappreciated and B. don't get into the minutes. Swears in Rory Franks, 5499 New Milford Road, Ravenna, Ohio 44266

Jeff: Thank you and the nature of your request this evening?

Rory: I am approaching the Board for a request of a variance to build a post building in the front of my home.

Jeff: Ok, it is listed as New Milford Road and your frontage now is, this map that I see says 309 feet.

Rory: 309 feet from the front of the home to the front of the road, correct.

Jeff: Not necessarily the right of way, but that's very far over anything we need to consider there. The garage you wish to build is listed here as 38 by 54 feet.

Rory: With some addition to that, the actual building would be 30 by 54 feet was tentatively an 8 foot lean to or overhang.

Jeff: Do we count the roof? It is part of the building, it is a big overhang, in the square footage of the building. We have to figure that all in, I think.

Gary: That is not 2,052.

Jeff: What is the size of your house? Do you have the square footage?

Rory: I have over heard you talking and it was my understanding at the time of purchase that it was 32 hundred square feet. There have been quite a bit of extensive rehabilitations to the home in the past, probably five to seven years, I know at the time of purchase that is what the square footage was.

Gary: What did you say it was?

Rory: 3200.

Jeff: The house is one floor?

Rory: One floor and a basement, a full basement.

Gary: Do you know what the foundation is?

Rory: Concrete block.

Gary: No, no, no the square footage of the foundation.

Rory: I believe everything was counted as 1600 top and bottom I believe.

Jeff: So the house is 1600 in the living area and the basement is 1600. Somewhere in that range.

Rory: That was my impression at time of purchase. I know when the appraisal was done in the bank there was a crazy number that came out like in the 4 thousands, I don't know how they divide that, I honestly didn't pay much attention to that.

Jeff: One of the reasons that we are concerned about the size of the existing house is one attached or detached garage structure is permitted per principle residential dwelling unit. A detached

garage shall not exceed 50% of the gross floor area of the principle residential dwelling unit on the lot. So the size of the house is somewhat important to this decision this evening.

Jeff: This is Jim DiPaola speaking

Jim: What that part means there is if there is not attached garage to the house. Then the person can build a garage not to exceed, he already got an attached garage, so the calculations that I go by are the Zoning Code which says the difference between 12 hundred sq. foot building allowed and 2 thousand sq.ft. anything 2 acres or over is allowed 2 thousand sq. ft. but, the reason that is in there is if anybody has a house and there is no garage, no existing garage, and they go to build a garage, that is the standard they follow. But, since he already has an attached garage, the standard I follow is the one that allows square footage by acreage.

Jeff: And the acreage here is 1 1/2?

Rory: 7.8 plus acres.

Jeff: I think the only dividing line that we have is between above or below two acres.

Gary: Is that a gray area Jim, or not?

Jim: We are working on that. The Zoning Commission meets next week and there is a whole flurry of things that they are looking at that is one of them, to clear up that gray area.

Jeff: What are you going to do with this garage?

Rory: The garage will be used principally to move everything I currently have in the garage to the bigger building. I am an avid fisherman, an outdoors man, I promote and run bass tournaments and I have numerous trailers, two that are currently on the property and one that will be forthcoming and I currently have three boats.

Jeff: That qualifies as avid, I believe. Anybody else have anything to say at this point?

Gary: Yes, I want to direct this question to you Jim, again. This is in 610.03 section A 2 small case b. Accessory to all districts for lots greater than 2 acres in size, the aggregate growth area shall not exceed 2,000 feet.

Jim: Correct

Gary: So our square footage for this particular building that you are requesting is 2,052.

Rory: I failed to include the total foot print in the square footage in my calculations. I was only appreciating the enclosed portion of the building.

Gary: That one is 1620. We have two of them and the rules cover the entire.....

Jeff: There are two other numbers that are important. The distance from the property line of the purposed building and I don't think we have that on here.

Gary: There is two questions, the first one is the standoff from the property line to the backside of the purposed building.

Rory: I had provided a sketch of the purposed building where the location would be a proximity to the home. Unfortunately, unlike the good Probation Officer I typically am in preparing for court, I didn't bring any documents I submitted to you all tonight. But, I did sketch out roughly, to scale the map of the proposed location of the building. If any of those papers might be available.

Jeff: What would you say the distance of the property line would be?

Rory: The distance of the property line would be greater 20 feet. 20 feet at minimum. That would be the north property line of Mr. Brett's. I screwed that up, the south property line would be Mr. Brett's

Jeff: I wondered how that got to be north.

Gary: We are interested in the distance between this property line and the back of that building.

Rory: At minimum 20 feet. Today, actually, there was a residential gas line just installed by a Dominion, the main gas line has been extended to all the neighbors' compliments of me, I didn't ask anybody to participate in that I did that all my own and ate that bill. I need to take that into consideration where the residential line is fallen, I try to make plans with them, it appears that it all fell very well to where the building will not encroach upon the gas line. But, I have not measured it as of today.

Jeff: The distance between the purposed garage and the house?

Rory: If you go from the corner of the house to the corner of the building it would be greater than 25 feet.

Jeff: There is a 15 foot minimum and you should be well over that. The fire department gets excited if it is too small. How will the building be finished?

Rory: The contractors, I currently have three estimates in with various Amish contractors that I am familiar with as well as a company by the name of Wooster Builders. So once I find out more about this evening and I find out more about pricing before I did anything I wanted to make sure things were in play. So it will be done by a professional building contractor or a professional builder.

Jeff: Being a pole building, it's going to be different sort of walls than your house would have. Do you expect the outside to be finished as the house is?

Rory: I actually took great concern for the appearance in matching the home, the whole building will be covered in steel, but the color of the building will match the exact color of the home as well as included four windows which would be on this side of the property facing the road to give it more of a residential appearance as well be trimmed out in the same white trim as the building or the home that I currently live in.

Jeff: Is there a neighbor dwelling on the south side of the property?

Rory: Yes, there is, Mr. Bretti

Jeff: Give me an idea of where that is relative to your house.

Rory: Mr. Bretti probably could explain that better than myself. I believe he is 300 feet if I remember correctly. 300 feet up in this direction (points to the map)

Jeff: He's in the same general setback as your house?

Rory: Yes, that is correct.

Jeff: Anything else from the Board?

Gary: In the regulation it says that if any dimension is greater than 12 feet by 16 feet or 192 sq. ft. it shall be placed on a permanent frost free foundation. What type of foundation in going to be under that? Are you just going to be poles in?

Rory: Yes, that was my understanding that would meet the requirements of both Portage County building and Ravenna Township the kind of design.

Gary: I have to call on Jim again for an explanation there.

Jeff: I know a pole building doesn't usually get a full foundation, but that statement seems.....

Jim: Because that and the pole buildings and the steel building that we have going up too they have carports and stuff like that.

Rory: As a matter of record, can I continue to provide some information?

Jeff: Sure

Rory: It is my understanding as I'm getting these estimates that I am starting fine. A couple things about them and possibly making some adjustments to that. If anything, if it would affect anything tonight, the building would be going shorter in length. I change from 54 feet in length to 48 in length would change anything. More so approaching regarding receiving a variance of a building in front of the home.

Jeff: Generally, what we would do in a situation like that is you would have to come back to us is to say this building would be a maximum of so many feet.

Rory: That would be my intent. A maximum of so many feet

Jeff: Something under that then you would be automatically covered. So we are covering some of our questions here.

Gary: I'm not really interested on how you take care of your storm drainage on your home, but I am concerned about the storm drainage on this building where is that going to track to?

Rory: That actually is part of the reason why I'm approaching, regarding the variance is because of the amount of water that I do have run off of the back of the other acreage of the property behind my home which, once again I didn't appreciate at the time of purchase, but boy now that

we are at the fall period and the rain period that we are at now I fully see what is going on now and I have a lot of water coming straight from the 8 foot incline in total of the back of my property to the back of my home. So, I have already spoke to excavators of clearing out of the back end of my woods property and creating a drain system and running it to the front ditch of the front of my property which is a 230 foot run. The drainage of the building would ultimately be tied into that daylight run that is going there.

Gary: So you don't have storm sewers out that way?

Rory: I don't believe so.

Jeff: Ok, we would like to talk to the neighbors, if you would step back at this time please. Is there anyone else that wishes to speak? Would you come forward please, swears in July Bretti, 2792 Sanford Rd. Atwater Ohio 44201. I am a property owner of 5479 New Milford Rd.

Jeff: That is the property immediately south of the property in question?

Julie: That's correct

Jeff: There is a dwelling on that property is that accurate?

Julie: Yes there is

Jeff: Somewhat in line with the property 5499 do you think it ahead of it closer to the road or behind it? (Looking at map) You do not live on that property...

Julie: My Dad lives on that property

Jeff: I see

Julie: I did live on that property

Jeff: What is your opinion of this purposed garage?

Julie: I have written a letter stating our opinion, I have a copy for each board member would you like to see that?

Jeff: Yes, let's pass that out, but we'd like to hear from you also.

Julie: I will (passes out letter) I will review what is in our letter, because it states our thoughts and ideas it has been signed by both myself and my Dad who lives at the address. We are adjourning property owner as we already stated to Mr. Franks. We do have some concerns about his building. Looking through the Zoning regulations and I can see why he would require a variance, it's clearly stated in the regulations that there shall be no accessory buildings in the front yard area and it also states it shall be located in the rear yard area of a lot. In this case that certainly would be a possibility as he has 7 acres and I don't think there would be an issue with placing the building elsewhere on the property. Our concerns are the location of the building, I also brought some photos I could share. When you are on the porch looking straight out, we would be seeing instead of the trees and the natural elements, we would see the back of this accessory building. I've also looked through and found some different reasons why they do grant Zoning variances and I don't think this case warrants that. Some of the things I have found would this result in unnecessary hardship, practical difficulty. Is there some other method besides the variance he could accomplish this and I believe yes, there is again he has quite a bit of property and the location is that you're in the township and you want to maintain the rural characteristics and putting a building right in your front yard, I don't believe accomplishes that.

Jeff: It is something we generally oppose. But, I believe at a meeting like this is sometimes extras circumstance that would make it more palpable. That's what we need to discuss.

Julie: Would you like to see photos of our view? I have several, a lot of them are similar and also just to go back to the concern that I heard about the storm drainage. As you take a look here you might see he is having some drainage issues. This is our driveway as you can see this is unrelated to this building, but we do have this tube draining all the way down to this is the property line draining down there (points to the picture) this is Mr. Franks house. This is what I see. I would actually see a building I would not see any of this (points to a picture) I thought this was a good example of the back of his property, plenty of actual space behind the house for a building not necessarily to put it in the front yard.

Jeff: That's what I saw when I drove by a few days ago

Julie: Not necessarily put it in the front yard

Jeff: I thought as that picture seems to show that the ground slopes down as it goes behind the house, yes, no

Rory: The back of the property, I believe I provided a map that I got from Portage County there is a total of over an 8 foot drop of all acreage coming down from (looks at the picture) that is the property line of Mr. Bretti and then all the way back in here, even right here is a 2 to 4 foot elevation and then probably 300 foot back is another significant elevation. This little fence area, I believe, Ms. Bretti could probably better answer that from what I've seen on the mapping it previously years ago a barn area and then a later garden that's relatively flat in this area. My concern in this area, or should I not speak to that at this time?

Remy: We'll come back to that

Jeff: Anything else?

Julie: I believe that's it

Remy: Are you currently having any flooding issues on your property?

Julie: No, the black tubing is new as of recently so we haven't had to deal with that for to long. Am I done?

Jeff: Yes, thank you

Gary: I would like to call Jim up here

Jeff: Swears in Jim DiPaola Zoning Inspector Ravenna Township

Gary: Jim, my question is back on drainage. If I understand it correctly, we're going to have this home, Mr. Franks home and this purposed building in this area right here (points to map) and if I understand it right we are going to try and shoot the drainage to New Milford Road?

Jim: I think that is what it sounded like his intentions were. It slopes from the west to east.

Gary: Is there anything that tells me that this is going to be contained or overflow for the amount of water that we are going to have off of these two buildings?

Jim: That would be something that's between the engineer and storm water management to decide. But, as long as I've been here for 10 years we have never had a drainage issue out that way.

Gary: What is back here? (points to map)

Jim: Pretty much woods.

Gary: Not wetlands is it?

Jim: Looking at the map his property is south of it and the only wetlands is the green area and they are on the left side of New Milford Road and behind there along the property that has frontage on Hayes is where wetlands is so it is south of Mr. Franks property.

Gary: That's what I wanted to talk to you about.

Jim: Ok

Remy: Do you have any concerns about the building, Jim, being placed in the front yard?

Jim: No, not with that great of a setback.

Jeff: I guess that's it then, thank you

Jim: You're welcome

Jeff: Would Mr. Franks come forward again please and remember you are under oath still.

Rory: Yes,

Jeff: I'm for sure it's here somewhere, I just haven't seen it yet, what would be the overall height?

Rory: The overall total height with the roofing on it, I'm not sure what it is.

Jeff: You are allowed 20 feet and it says here (points to map) the walls are 8 so you are not going to get over it's only 2 feet with a 4 and ½ cross pitch.

Jeff, Gary and Joann discussing and looking at the map and height. Are you going to pour a concrete floor on this? That's what it looks like here.

Rory: Not in this, I am setting this up so that we will be able to do at a later point in time.

Remy: What is your reasoning putting the building in front of the house as oppose to any other acreage behind the house?

Rory: As I indicated the specific of water that is my concern the amount of excavation that would have to be required would dramatically change the flow. I talked it through with some guys that know what they are talking about, but talking about cutting this way into it. Ultimately my concern would be placing too much water from all property that is coming from all that property that direction on to either side of my neighbors in order to properly set it up to where the building won't be effected by that as well as it is currently moderately wooded there will be extensive amount of work that would need to be done in order to remove the wood as well there is also a gas well in the back with a line that does run through the center of the property to the center of my home. I have concerns about how excavating can impact that and require a change in the gas line as well.

Remy: You would say from this well here....

(Discussion on map over hearing the tape)

Remy: Run water right to your house?

Rory: Yes, with everyone here, I want to be very clear with Mr. Bretti and his daughter which I just met today. I apology to you both, my door is.... I had no idea that this would be a concern. I try to be as friendly to everybody a much as possible and my door is always open. I didn't mean to impact anyone's live negatively if anything quite the contrary. I was in the hopes of after all you have been through probably 6 or 7 years with various people coming and working on the home, I can only imagine what you have been through with that. I plan to die on this property that was my intent of time of purchase. Mr. Bretti, when I initially met you, my first words to my wife is what a wonderful neighbor that is and I wouldn't want to do anything to hurt that of either one of you and I'm very sorry we have to meet under this pretense.

Jeff: Ok, hang on just a second please. The board would like 5 or 10 minutes to recess please. I'll call the meeting back to order (at 7:40p.m.) The board is ready for a motion on this request and since I have the chair, this chair will make the motion. Base on a number of factors, number one our book says he can't build a garage in the front of the house, two the neighbor very upset about the garage being in their line of sight and if you look at the map of their house would be beside this new garage. We are unsure of the size of the house, but it seems like the garage exceeds our recommendations in the book or the rules in the book the allowed size of an accessory building and from the map it really looks like there would be quite a bit of room. If you put a 54 foot building 20 feet from the house and 20 feet from the property line if you perhaps turned the building and moved it back a little bit, it looks like there is plenty of room for that. Based on all these reasons my motion is to deny this application.

Gary: I second it

Jeff: Secretary take the vote please R/C: Joann McEwen – no, Gary Long – yes, Remy Arness – yes, Jeff Gaynor – yes.

Jeff: Your request to build this garage in front of the house has been denied there is an appeal period that you can do just that is to appeal this decision.

Rory: Only I feel I need to apology to Mr. Bretti for take the time. I would have easily saved the money for applying for a variance had I known.

Jeff: The board has some other things to take care of right now. You can stay or go as you wish. Our next motion is to journalize tonight's decision.

Remy: I so move

Gary I second it

R/C: Gary Long – yes, Joann McEwen – yes, Remy Arness – yes, and Jeff Gaynor – yes.

Jeff: We need to have a motion pertaining to the minutes for our last meeting as presented to us.

Gary: I move we accept the minutes of the last meeting which was January 10, 2018 and it was BZA 01. We accept them as written.

Joann: Second R/C: Remy Arness – yes, Jeff Gaynor – yes, Gary Long – yes, and Joann McEwen – yes Minutes approved  
Jeff: Jim DiPaola indicated he had something he wanted to talk to the board about this evening.  
Jim: Since we are involved with this court case on the decision with Curby Consultant group it can be a lot of paper work and these are just notices to the board that papers were filed. So we killed a whole bunch of trees just to let people know that paper work was filed as it was supposed to be.  
Jeff: This is stuff we received that should be opened and read?  
Jim: Yes, you can read it if you want.  
Jeff: Am I going to learn anything?  
Jim: Nope.  
Jeff: This is saying everything is ok the way we did it.  
Jim: No, it's saying the paper work has been filed in court. Every time there is something filed in court we are now going to get a written notice. So the paper work for the judge or magistrate to make their decision has been filed. Now we just wait for the outcome.  
Jeff: This is pertaining to the gaming thing?  
Jim: Yes  
Jeff: Gary and I was talking about this and these folks appealed after the 30 days of the meeting.  
Jim: I'm trying to get a clarification on that, because Chris Meduri was the one that said about the 30 days it would take effect and what he based and what Mr. Curby's attorney based it off of was the approval of the minutes not the journalization of it.  
Gary: Where is this rule written?  
Jim: It is case law. It's not Ohio Revised code it is case law. That was the answer I got from Mr. Meduri when I ask him about it.  
Gary: So you're telling me that when we journalized this man's decision that it's invalid?  
Jim: Yes, I was told it is when the minutes are approved. That is what Mr. Curby's attorney is basing it on. I don't know what Mr. Meduri is going to argue with them.  
Jeff: The approval of the minutes is an indefinite time thing. You don't know when that might happen (Discussion on all of this)  
Jim: I am going to check a little bit more on Mr. Wynns out there  
Gary: I thought we were done with all that.  
Jim: You guys have the right to revoke his conditional use. But, his time will be up June 1<sup>st</sup> and he's not done. So he has to come back and reapply to me and pay the permit fee that he paid before and he has run into all kinds of problems with it.  
Jeff: Chair will entertain a motion to adjourn  
Remy: I so move  
Meeting adjourned at 8:00

Respectfully Submitted

Carolyn Chambers  
Ravenna Township  
Zoning Secretary

Copies to: File  
Trustees (Coia, Artz, Gibson)  
Zoning Inspector (DiPaola)  
Board of Zoning Appeals (5)  
Applicant(s)