

RAVENNA TOWNSHIP BOARD OF ZONING APPEALS

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

The Ravenna Township Board of Zoning Appeals met on Wednesday, September 14, 2011 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. He also explained to the audience what they are expected to do in order to speak at the meeting. Then he swears in Jim DiPaola, Zoning Inspector.

Roll call was taken with members present: Jeff Gaynor, Gary Long, and Remy Arness. Also present Jim DiPaola, Zoning Inspector, Carolyn Chambers, Zoning Secretary, and Vince Coia, Trustee. Absent were Dorothy Griffiths and Jim Acklin.

On the agenda was #2011 BZA 07 Schumann's Roadside and Towing service, #2011 BZA 08, Larry Haberman requesting a multi family use (rental property), and #2011 BZA 09, Frank DeAngelis requesting a minimum lot size 1 ½ acres.

OLD BUSINESS:

2011 BZA 07 Schumann's Roadside and Towing service, Mr. Schumann steps forward and is sworn in: Stacey James Schumann, 6191 Hazel St. Ravenna.

Jeff: You were here last month and there were a variety of issues.

Stacey: Yes

Jeff: Do I have a list of those things here? Couple things we wanted you to talk over with the Zoning Inspector, we wanted a statement from the EPA that you were handling your oil changes and such things up to standards. Jim, do you have anything else to add to this at this point? I know there was a discussion about the fence between Mr. Schumann's property and the rental properties next door.

Jim: As far as the fence goes we are not sure who put it up or why it was put up but the best determined it was put up just to shield the apartments from any activity on Hazel. He is not required to have a fence because he doesn't keep junk automobiles or parts of automobiles or anything. He has a separate impound lot that he uses.

Jeff: There was talk of some tires stacked up on your property and the disposing of those

Stacey: Those were disposed of, I had Liberty Tires Service come out and there were 38 of those, they disposed of them the following week of the first meeting we had here. I have a copy of that here.

Gary Long: What are your plans for the future on tires?

Stacy: When I get up to 35 they come out take them away, I really don't have a choice because being in the towing business we change tires. I will have at no time more than 35 tires because that is Liberty Tires limit. So when I reach 35 I call them and they come out and pick them up.

Jeff: The EPA compliance that you were requested to look into also?

Stacey: I called them the morning after the meeting last month they came out on August 16, 2011 and they said I meet and exceed all standards. For waste inside and outside, drains and everything.

Jeff: The things they looked into were hazards waste, tires, and so forth. Can we get a copy of this?

Stacy: Here is the fax that Liberty did send me stating the notices the waivers and things like that. I also have the liberty and the EPA for Akron Canton waste oil that comes and picks the oil from my shop; they also dispose of the anti freeze. I just received these and we can make you copies of these also.

Gary: What arrangements did you make with these folks?

Stacey: That is done on their discretion it's a random pick up.

Jim: They usually don't do anything more unless there is a complaint they usually don't go back and check anything.

Gary: The pickups on the oil and anti freeze you did manifest?

Stacey: Yes, there is a manifest that hangs above both drums in the garage and the minutes they pick up we have a record of it.

Jeff: Has anyone called to complain about noise or anything like that since our last meeting?

Stacey: No, nothing at all.

Remy: Have you had your event?

Stacey: Yes, every Saturday and a 911 show on Saturday.

Remy: Have there been any public outcry about those?

Stacey: No, not at all. Everybody was invited.

Remy: Did you have any of the rule breakers?

Stacey: No, that was just the first time and they learned from that they can't get away with that.

Jeff: Are there any folks here that have anything to say about this matter?

Gary Long: I move that we accept this variance on 2011 BZA 07, I want to add one stipulation on the tires that there won't be more than 3 dozen tires on board and the other stipulation is they should be covered because of water storage in there, mosquito breeding and that sort of thing.

Stacey: When the EPA came out they said it would be good to cover them also even though I do spray. I would like to cover them when I build the enclosure for the dumpster.

Gary Long: I move we accept the variance for 2011 BZA 07. Remy seconded it.

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

Jeff: You are done and there is a waiting period. Explains the waiting period for anyone to appeal it.

NEW BUSINESS:

Jeff Gaynor: Next item before the Board is 2011 BZA 08, Larry Haberman, would you come forward please. Swears in Lawrence Haberman of 6282 Peck Rd. Ravenna, Ohio. What is the nature of your request?

Lawrence: I have a caregiver staying in my home with me. 4 ½ years ago I found my friend Paul dead in his bed from diabetes at the age of 51 he had transported me to all my

medical appointments to the airport the Johns Hopkins hospital, to the Cleveland Clinic for my radiation, my chemotherapy. My health is worse and I can't use my gas stove. I have had two fires in the past year on my stove which I'm no longer allowed to go on because I have petty mall seizures where I don't fall to the floor but I go into mild trances. I'm listening to my doctors and I do feel very sad in some ways because I try to be a good neighbor and I've never had the police called on me and never had the dog warden called on me for my dog that died right after my friend died. So Paul's gone for under 7 years and my dogs gone and I felt very bad because it was reported that I was renting the other unit that the Zoning department allowed me to build, but I did not understand when it says friends, family members, boyfriend, girlfriend no one can stop you from anyone living there but you cannot rent it. I wasn't trying to hide renting it, I even put a poster up in the sheriff's department saying for a city worker there was a 10% discount and I ended up getting a girl in there that I told her that when her company comes, which was very rarely, in a way I'm glad she did move it was for the best. Because I just didn't want her around, I have physical problems and I also see a psychiatrist at the Cleveland Clinic. So the bottom line is its better she left.

Jeff: So you need a caregiver to. . .

Lawrence: No, I have a caregiver already in my home; I'm here because of the unit that is on my home that has a little bedroom, living room and a little kitchenette. (Explains the setup of his home.) I spoke with a gentleman, Mr. DiPaola, who told me I could ask for a variance. I went out and found the property stakes and I put up 8 poles going across my property five feet tall.

Jeff: We are concerned with the multi family aspect of your residence at this time.

Lawrence: My home is considered a single family dwelling. My caregiver that is living with me is not a renter. The part that I want to ask a variance for is because financial it would break my heart if I had to sell my home. I'm the owner of the home and my friend who is the co signer on the home. I do have an elderly woman; a friend of mine at the bank says she knows of an elderly woman in her 60's that would be very happy to have a small place like that.

Jeff: What you have there is not an apartment attached to your home it's just a room and she would be using the rest of the facilities. . .

Lawrence: No, it's just an addition to my home with a little kitchenette, a bedroom and a bathroom.

Remy: An efficiency apartment

Jeff: That's what it sounds like a efficiency apartment.

Lawrence: Zoning says as long as you don't have 2 driveways and 2 garages we cannot make this into a double home. But, we are allowed to let you put this room addition on your home to the left and to the right. I have a situation here that promoted me to ask for this variance but not too many people are aware of it. I had a 100,000.00 four years ago with my medical bills my money is exhausted, even with insurance I am in a situation right now. I have a lady who have 6 children who is looking for a home for 5 bedrooms said if I need to sell my home she would be interested in buying it.

Jeff: Question of our Building Inspector, do you have any input on this as weather this is allowed?

Jim: It is not a permitted use nor is it a conditional permitted use and he's asking for a variance to be able to put in a two family dwelling is basically what it comes down to.

That is strictly up to the Board what to do. The house met all the requirements from Zoning.

Jeff: Any questions from the Board members?

Remy: Have you been reporting the rent as income?

Lawrence: yes, I pay cash for it; I pay it off in full.

Gary: Does this have to be a permanent variance?

Lawrence: When I die, it has already been set that my friend that co signed will be selling his home and moving into my property. He knows that if this did go through he cannot rent nor does he have to rent this property.

Jim: Once a use variance is granted it is permanent. It stays with the property until it comes before the Board to be changed. So it's permanent.

Gary: I understand the case, but I don't think we are in a position to make it permanent.

Jeff: I can understand that, ok does anyone else wish to speak on this matter? Swears in Debra Goodnight of 6274 Peck Rd., Ravenna, Ohio.

Jeff: Are you next door to Mr. Haberman?

Debra: Yes I am. His property adjoins our property his driveway is right next to our property line. His parking area is about a couple of inches from our property line. These are pictures and we had it surveyed that's what he is talking about stakes in the ground. I had them put pins in. What was happening was that. . .

Gary: I'm looking at this drawing in the variance and on this drawing it shows his garage is 10 feet away from the property line and your saying this parking area right here is right on the line. Is that what you are saying? The truck that is there you can't get the passenger door open from that side of the truck.

Jeff: I don't understand your point there

Remy: How is this relevant in renting out a room in his house?

Debra: We have had a ongoing situation, when I moved in he was already renting and in 2005 July 31st. He was renting against the Zoning Code and in October 2005 one of his people that had rented his property had somebody at his house, they could'nt get out of the driveway so they drove across my property.

Jeff: Problems with that damage to your property would be a civil matter and not something this Board would have any control over.

Debra: The problem with using it as a multi family, they don't have enough parking and the parking is to close. When they try to turn around they put one addition has a doorway and steps right here and when you try to back around them then they end up that they end up on our property and that's why I had it . . .

Jeff: Your concern is that it is insufficient parking for a multi family situation.

Debra: Right and the fact that Mr. Haberman told me back in March 15, 2006 that he didn't care where the property line was and wasn't going to worry about it until he was going to sell it. He was already renting both units at that time for \$500.00 and \$550.00 a month and I tried to explain to him at that time it was illegal to do that and he told me that it was legal and so over the course of the last several years this happened before his friend passed away. So in May 2007 we had our property surveyed and in September 14, 2007 I contacted the Zoning Department and filed a complaint with Cheri Sweitzer.

Then in 2009 Mr. Haberman has had several renters and has had several different people mowing his lawn and one of the people hit a rock and put a hole in my siding.

Jeff: We are straying again from the subject.

Debra: I realize that but when you have renters in there they don't care about the other property owner and I want to make sure that he is rented this from 2005 and before I moved in he had rentals and he was building the second addition when I moved in and I didn't realize it. We were told ,when I bought my property, it was a single family, the township had strict regulations about we had to have a certain pitched roof and a garage we conformed to everything, I've got my own health issues with my Father but I am not asking for an addition on my house because I went by the Zoning.

Jeff: Additions meet Zoning requirements. We are just wondering rather or not to rent them, to make them multifamily to meet the Zoning requirements as our Zoning Inspector had told us. I don't see the thing that tells us how close the driveway can be to the property line.

Jim: We don't have any regulations on driveways; they are like fences they can be right up to the property lines.

Jeff: That is basically what I thought it said here it said it can be within the property line setback area.

Debra: I think he should at last put a fence up so that my property doesn't get damaged and keep his renters on his property. We put poles up and we had our poles run over.

Jeff: Once again if he is parking on your property or driving across it that is a civil matter and that is beyond the Board.

Debra: So my question too is if you zone it multifamily can he put section 8 people in there?

Jeff: Mr. Haberman is asking for a Zoning variance and we can make that restrictive, we can put qualifications on it and so forth.

Jim: We can't restrict who he rents to.

Jeff: We can restrict numbers and that's about all.

Debra: So what happens then if our property is damaged then we have to go through the civil court?

Jeff: Yes, that is not a Zoning problem

Debra: That is the reason why we were against the variance because I don't want to have to sit there and babysit my property.

Jeff: So that about does it for you. Who else would have something to say here? Swears in Tom Furry of 6318 Peck Rd. Ravenna. What is the nature of your comment?

Tom: Points out his house on the map across from Mr. Haberman. I ain't got no problem with him having people living there. I've known about it. I moved in January 2007. He keeps his house immaculate and there are no problems from me. I don't want a variance on that property permanent. When he goes they are going to start renting it cause I got renters right now in another house and it has been going on for five years.

Jeff: You own that house also?

Tom: No, I own this one.

Jeff: Whoever owns it has rented it to someone else.

Tom: It's rented right now and I got constant problems, garbage all over the place.

That's what I don't want. My property has already taken a hit. They got garbage and they store it and then the Zoning Dept. goes out and says there is no garbage out there, but yet the Health Dept. was out there and told me yeah and this goes on and on and on and I don't want the property to fall into a renting variance and then when something happens to him, I don't care what he does now, he takes care of his property I have no

problem with that. But somebody is going to put that in the newspaper someday under rental property and we'll have a bunch of knuckleheads living in there and I didn't pay \$180 grand for my house to put up with it and I'm not down on renters, I rented 25 years I just never lived like a pig.

Jeff: Ok, also something we don't have specific control over the garbage and trash well yes we do, some, right? We can go out and tell people to clean up their property if it needs it. Again that's not the thing we are here for.

Tom: If that property goes up to renters and a duplex and rental property we will have twice as many problems. When I bought my house it was single family.

Jeff: The house that is next to you, is it still a single family?

Tom: Yeah, the guy lives in Pennsylvania and he doesn't care what goes on there. I got grass that is 4 feet high. Like I said I don't care what he does now, he takes care of his property I don't want no permanent rental variance on it. Thank you, have a nice life.

Jeff: Ok, we keep that in mind. Yes, step back up here so we can hear.

Lawrence: The turn around that the lady was talking about it goes down my driveway and to the right of my driveway there is at least 15 feet by law you have to be 10 to 15 feet away from the property line. But that's different. At least 4 cars can fit there but right now there is only 1 car on the property. It's in the garage. I'm not a bad human being, I found out from Lowes about the fence. How far away do I have to be from the property line?

Jim: The fence can go right on the property line.

Jeff: Anyone else want to speak on this? Swears in Vince Coia,

Vince: The only question that I've got is I'm concerned about if this is going to turn into a spot zoning where you've got single family and you've got renters. People have called me, people that couldn't make the meeting tonight so that is their question and that's what I am bringing before the board tonight.

Jeff: We are going to take 5 minutes, meeting is temporally adjourned. Meeting is back in order and the chair is ready to entertain a motion pertaining to the variance request to Mr. Haberman.

Gary: I move that the Zoning Board of Appeals deny the variance #2011 BZA 08.

Jeff: I'll second that.

R/C: Remy Arness-yes, Jeff Gaynor-yes, and Gary Long-yes Motion denied.

Jeff: That is pretty much it if you wish to stay you can do so the Board has other business we have to do at this point.

Lawrence: Thank you for all your help. I guess I will just have to sell it.

Jeff: The next item before the Board today is 2011 BZA 09. The applicant is Frank DeAngelis is he here this evening? Swears in Mr. Frank DeAngelis of 5280 Rootstown Rd., Ravenna, Ohio

Jeff: What is the nature of your request, please?

Frank: We have a 5 acre parcel of land and it borders Hodgson Dr in the back and we are going to subdivide it.

Jeff: What is the frontage of the property on Summit? Does it front Summit?

Frank: Yes, 440 feet on summit and 352 feet on Hodgson Drive.

Jeff: What do you wish to do with this property?

Frank: Subdivide 3 lots on Hodgson 3 one acre parcel and 1 two acre parcel across Summit Rd.

Jeff: That totals five lots

Frank: Five acres

Jeff: How many lots do you wish to divide?

Frank: Four

Jeff: There is a 1 and ½ acre per lot minimum, five divided by four doesn't give you one and a half but then you knew that. You wish to make three sub sized lots on Hodgson and one lot of an appropriate size on Summit. What's the frontage required per lot?

Jim: 100 foot.

Jeff: So we are ok there.

Remy: The existing structure is a house and a barn and there is no structure on these acres?

Frank: No, I think that acre and a half was for sewer and septic and I think land has been subdivided into ½ acre parcels. I have a map right here.

Gary: Jim, when this whole area between Summit Rd and Hodgson and cemetery was you on board or can you clarify?

Jim: I was not here then, I don't know

Gary: My main question was what the resolution was back then. The resolution today is a minimum of 1 and ½ acres?

Jim: Yes, back then I have no idea.

Gary: You have enough property to make them an acre and a half three properties not four. So can you explain to me why you have to have four?

Frank: Because three would be over improved for the area.

Gary: That would be good.

Frank: No, that would be bad because the lots are averaging a half an acre. If I go to four lots the smallest lot would be twice as big as we already have. If I go beyond that, I'm getting into different sub division regulation and I do not want to get into. I'm trying to keep it as simple as I can and again I think those ruling was made because at that time there were no sewers down there and now there are, sewer, water, and gas. At an acre and a half they would be way over approved. When you are looking at half acre lots all the way through there.

Gary: Looks for a calculator.

Jeff: About 30,000 feet so they are half plus. Looking and measuring lots. While we are working on this, does anyone else have anything to say on this matter? Swears in Michael Cerny, 3121 Hodgson Dr., Ravenna, Ohio

Michael: My property is on the East side adjacent of Mr. DeAngelis. I wasn't sure about how he was going to divide. I seen the stakes when he had it surveyed. Looks at the map and points out his lot. If you approve this would it be single family.

Jim: That's all it can be it is RL.

Michael: Is there any deed restriction governing how big a house or what kind of a house?

Jeff: The Zoning Code would have all those numbers in it.

Remy: It has the requirements for that area.

Jim: Square footage is 1100 sq. ft plus a two car garage

Jeff: That's about what's in the area now. Did you wish to say something else? Swears in Peggy Cerny 3121 Hodgson Dr.

Peggy: Our concern is that we have been there 27 years and we didn't want big houses going in. We've seen that happen in neighborhoods and that was our concern, pretty much how it was going to be divided up and what size building would they be allowed to put up.

Jeff: The restriction of size, there is no maximum as such

Jim: They have to meet the setback requirements. Fifteen feet on the sides

Gary: The rear yard minimum is 25 feet setback

Peggy: Is there a street going in?

Frank: No, those stakes that are there are preliminary about a month ago they don't mean anything.

Remy: So basically they have to be 35 feet from the street 16 feet from the sides and 25 feet from the back

Jeff: There are height restrictions on structures also. 35 feet and 22 on accessory building

Michael: In the back we have a easement for sewer line, if this gets developed, would they use this sewer line or would they have to dig up the street to tie in.

Jeff: It is not possible for us to comment on that really. The sewer line and the easement are not there at this point. The easement is there but the line wasn't put in. You don't have sewers now? There is a sewer line and a manhole.

Jeff: Anything else?

Gary: How long have you owned this piece of property?

Frank: Four years

Gary: So when you purchased the property you were of the understanding that if you wanted to divide it that the minimum requirement was an acre and a half.

Frank: I think I had knowledge of that and I never understood it and after investigating I talked to water resource they told me that law was written in the early 80's and maybe base on that there was not sewerage on there and that's what it was and that's what it is an acre and a half without sewers.

Gary: The current resolution was signed and approved in 2009. Lot sizes are an acre and a half.

Remy: We are trying to avoid over development and houses being stacked on top of each other.

Jeff: Anyone else have anything else to say? Anymore question or comments from the Board?

Gary: We need to look at page 59 and be more careful there. As long as we covered it that is the main thing.

Jeff: Are we ready for a motion? Is the chair allowed to make a motion?

Gary: I move that the variance application #2011 BZA 09 be denied.

Remy: I second the motion

R/C: Jeff Gaynor-yes, Remy Arness-No, Gary Long-yes. Motion denied.

Jeff: Anything else from the folks in the audience? The Board has some matters to take care of now. We need to journalize these. Chair makes a motion that we enter and journalize 2011 BZA 07. Gary seconded it. R/C: Remy Arness-yes, Gary Long-yes, and Jeff Gaynor-yes. Chair moves we journalize BZA 08 and BZA 09, Remy second it.

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

Gary: Moved we accept the BZA minutes from August 10, 2011 meeting. Jeff second it

R/ C: Gary Long-yes, Jeff Gaynor-yes, Remy Arness-yes. Minutes approved
Gary Long moved the meeting be adjourned at 8:10 p.m.

Carolyn Chambers, Zoning Secretary

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