

The regular meeting of the ROOTSTOWN ZONING BOARD OF APPEALS was held on Tuesday, February 17, 2015 at 7:00 P.M. at the Rootstown Town Hall.

Those present:

Troy Cutright  
Derek Ball  
Jennifer Milnes  
Gary Slocum

Those absent:

Patricia Saillant

Also in attendance:

Zoning Inspector, Mark Tirpak  
Assistant Zoning Inspector, Jordan Michael  
ZBA Secretary, Mary Ann Greer

Mr. Cutright called the meeting order. Mr. Cutright introduced the Board members and explained the evenings' procedures.

The first item on the agenda was an application for a Conditional Use Permit (CUP) for towing and roadside assistance: AAA, Law Drug Enforcement in a C-2 Commercial District located at 4116-B August Avenue, Rootstown submitted by:

Schmann's Roadside & Towing LLC  
1350 E. Main St.  
Ravenna, OH 44266

Mr. Cutright swore in Stacey J. Schumann, 4763 Sandy Lake Road, Ravenna. Mr. Schumann stated that he did mostly roadside assistance for Triple AAA, Highway Patrol, Brimfield police dept., Ravenna police dept., and the Portage county Sheriff's dept. drug task force. He also does public and private towing and roadside assistance. Roadside assistance consists of tire changes, lock out, and jump starts. He assists in roadside fatalities and homicides. He handles crashes. He does not do any auto repairs only on his own trucks. He started in 2009 with one pickup truck and has brought it up to almost the second largest company in the county. My guys are trained and certified. He is not a fly by night company.

Mr. Slocum asked about the hours of operation (24/7). Mr. Schumann said that was right. Mr. Slocum asked if the area where the vehicles were stored, was it fenced. Mr. Schumann said it was but it was not a permanent fence. They had put up a temporary fence but if we need to it can be adjusted. Mr. Slocum inquired as to long vehicles were stored there. Mr. Schumann it depends on the condition. Sometimes if they sit for 30 days, he has the right to file on them. He then receives a title from the state which is a salvage title. Then he usually just junks them. He sends out 3 letters to the owners and they can come and get the car.

Mr. Slocum said that Mr. Schumann evidently had a good relationship with the law departments. He asked if Mr. Schumann knew of any fire issues. Mr. Schumann said no.

Ms. Milnes asked if the Section 350.03E was what that area was zoned. Jordan Michael said it was

zoned C-2 Commercial...

Mr. Ball said just to clarify there won't be any auto repairs. Mr. Schumann said no just on his own trucks. He does have a 250 gallon container for the oil. He has a company that comes out and removes the oil when it gets to a certain level. Usually there is no more than 75 – 80 gallons in it. Mr. Ball asked about the titles on vehicles left on the lot. Mr. Schumann said when they get the title back from the state, it usually is a long drawn out job to change it so it can be sold. They normally just junk it.

Mr. Cutright stated that the advertisement showed they were open for business in Rootstown. Mr. Schumann said it was not a 100%. They still have the lot in Ravenna. The office is in Rootstown. R. Cutright said Mr. Schumann put the fence up. Mr. Schumann said it went up this morning, if need be it can be permanent. Mr. Cutright remarked about trucks parked out front but zoning says the trucks have to be in the back. Mr. Cutright asked about obtaining a permit. Mr. Schumann said at first it was okay, but a few days later he was told to come before the Board.

Mr. Cutright swore in Steven Sandlenes, 4116 August Avenue. Mr. Sandlenes spoke to Jordan about this and two days later he said it was not stated specifically and to be save you should apply to the Board.

Mr. Cutright stated that they went ahead and jumped right and put the fence up. Mr. Cutright asked if Mr. Schumann was going to keep the other lots open. Mr. Schumann said the only reason it looks like that is they had to move the Kent lot to Ravenna. Mr. Cutright said there were boats and trailers. Mr. Schumann said they did not belong to him. Mr. Cutright asked if all the cars in the lot other than the wrecked ones were operable. Mr. Cutright inquired about insurance. Mr. Schumann said he was covered by insurance.

Mr. Cutright asked the audience if there were any questions, comments, or concerns.

Mr. Cutright swore in Joe Paulus, 3983 Marsh Creek, Rootstown. Mr. Paulus asked what kind of surface the vehicles were going to be on (gravel, asphalt). Mr. Paul said by bringing in wrecked cars, they might be leaking fluids. We have to be careful with fluids there because of the retention pond. Mr. Schumann said by the time the cars got to the lot most of fluids were gone. They also clean up the fluids at the accident. If there would be any leakage, He has pads and hazmat items to take care of that.

Mr. Cutright asked if Mr. Schumann had looked at the zoning. Mr. Cutright said most of what he was looking at was in Section 390.06. He gave a little bit of an overview.

Mr. Slocum said there seems to be a need for screening. Mr. Slocum asked if any other businesses like Mr. Schumann's had any kind of containment for fluids to keep the hazmat items from going into a retention pond if there was a large rain. Mr. Schuman said they a large sock to absorb the fluids. Mr. Slocum asked if Mr. Schumann had Ohio EPA inspections. Mr. Schumann said yes. Mr. Schumann asked if he had been cited in the last 5 years. Mr. Schumann said no that they have exceeded their regulations.

Mr. Paulus asked what the heaviest truck was that they had. Mr. Schumann said there were Dodge Rams (450 & 550).

Resolution ZBA 2015-002. Mr. Cutright mad a motion from Section 350.03 E to deny it since most of the information was for Section 390.06 and was detrimental. Ms. Milnes seconded it. A vote was taken as follows: Slocum - No Milnes - Yes Ball - Yes Cutright – Yes. The motion carried by a vote of 3/1.

Mr. Cutright swore in John Gordon, 3779 Sanford Road, Rootstown. Mr. Gordon asked what the next process was to get his business in Rootstown. Mr. Cutright said he should study the zoning book. Also he could appeal it. Mr. Tirpak said to give Mr. Schumann a copy of Section 390 which would help him.

Mr. Cutright swore in Molly Housington, 4763 Sandy Lake Road, Ravenna. She asked if they could use the building as an office. Mr. Cutright said it could be used as an office but not the lot.

Mr. Cutright swore in Jean Sorkin, 4053 Sabin Drive, Rootstown. She has known Mr. Schumann her entire life. He came to her rescue one night when Triple AAA told her it would be over two hours until they could get to her. They were johnnie on the spot no questions asked if this was permitted he would jump through any hoops necessary. Everything would be up to code. She asked if there was any way to put conditions on it so he could go ahead. Mr. Cutright said there was always conditions but the motion was made.

Mr. Cutright said there needed to be asphalt or paved and a fence that block seeing the cars. Mr. Schumann said they had talked about that but the whole thing was they had to be out of the other one by a certain date (March 1). They were not trying to go under the radar by any means.

Mr. Cutright swore in Woodie Goodnight, 4866 Garland Circle, Rootstown. Mr. Goodnight said Mr. Schumann’s company would be a compliment to Rootstown. Mr. Cutright said it would if in a different section in Rootstown. Mr. Goodnight asked if there were an avenue other than appealing it. Maybe the Inspectors could give him some guidance.

Mr. Cutright said under that Section, it allowed auto repair and car wash. There was a detail shop in that building before.

Mr. Cutright said he would have to wait a year to apply again unless there was some additional information that was not presented tonight. Mr. Tirpak said retail sales was permitted.

Resolution ZBA 2015-003. Ms. Milnes made a motion to accept the minutes of the January 20, 2015 meeting. Mr. Ball second it. The motion carried by all ayes (4/0).

The meeting was adjourned.

Troy Cutright, Chairman  
ROOTSTOWN ZONING BOARD OF APPEALS

Mary Ann Greer, Secretary BZA  
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