



The regular meeting of the ROOTSTOWN ZONING BOARD OF APPEALS was held on Tuesday, June 18, 2013 at 7:00 P.M. at the Rootstown Town Hall.

Those present:

Troy Cutright  
Patricia Saillant  
Jennifer Milnes

Those absent:

Derek Ball  
James Manion  
Tom Giovagnoli

Also in attendance:

Zoning Inspector, Jim Mahood  
Assistant Zoning Inspector, Van Black  
ZBA Secretary, Mary Ann Greer

Mr. Cutright called the meeting order. Mr. Cutright introduced the Board members and explained the evenings' procedures. Mr. Cutright stated that the applicants had the option to be heard by the three Board members present or they could come back when there was a full Board (5 members).

The first item on the agenda was an application for a variance from Sections 310.08 A, 1 and 310.08 C for property located at 4884 Smith Ave. in an R-V District to eliminate the garage requirement and replace the old home that burnt down with a better home, would like to get approval of 1,387 sq. footage home with a foundation submitted by:

Ellen Eisle  
4870 State Route 44  
Ravenna, OH 44266

Mr. Cutright swore in Gustav Stern, 8870 SR 44, Ravenna. They opted to be heard tonight. The house was burned down in February and has been demolished. She is trying to get back in her home. She has lived there for 20 years and would like to stay in that area. It's going to be a diffident improvement over what was there before. Ms. Milnes had no questions.

Mrs. Saillant asked why they wanted to eliminate the garage. Mr. Stern said there was not enough square footage on the property. Mrs. Saillant inquired as to how big the lot was. Mr. Stern said the lot was 90 x130. Mrs. Saillant said was this because the house was getting bigger? Mr. Stern said yes it was. Mrs. Saillant asked what the square footage of the new house was. Mr. Stern said it was 1387 square feet.

Mr. Cutright stated that there were several houses in that area that had the same size lot or smaller and still met all the requirements. Mr. Stern said he was aware of that. Mr. Cutright asked if there some way to place the house on the lot without requiring a variance. Mr. Stern said not really with then setback and the lot lines on the side.

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

Jim Mahood asked if there was a garage on the property previously. Mr. Stern said there was no garage there before. Mr. Mahood said on the application they listed three lots. Mr. Stern said they had it resurveyed and it was now one lot.

Mr. Cutright questioned if there was any way they could swing it. Mr. Stern said they have to have an attached garage. Mr. Cutright said that was the requirement of zoning. Mr. Stern said there was never a garage there before. Mr. Cutright stated you could have replaced it with a house the same size within a year after it burnt down.

**Resolution ZBA 2013-005.** Mr. Cutright made a motion to grant the variance for the square footage for the house from Section 310.08 A, 1. Mrs. Saillant seconded it. A vote was taken as follows: Milnes – Yes Saillant - No Cutright - No. The motion failed by a vote of 1/2.

**Resolution ZBA 2013-006.** Mr. Cutright made a motion to grant the variance from Section 310.08 C for the attached garage. Mrs. Saillant seconded it. A vote was taken as follows: Saillant – No Milnes - No Cutright - No. The motion failed by a vote of 0/3.

Next on the agenda was an application for a variance from Section 450.02 D for property located at 4475 Lynn Road for a 100% of replacement value instead of the 50% replacement value for a non-conforming building submitted by:

James & Elizabeth Rykaceski  
4475 Lynn Rd.  
Ravenna, OH 44266

Mr. Cutright swore in Jim Rykaceski, 9379 Sawmill Dr., North Ridgeville, Jennie Satterfield, 4427 Lynn Rd., Ravenna, and Brad Filer, proposed buyers of the 4475 Lynn Rd. property.

Mr. Rykaceski said in speaking on behalf of his wife, Tammy Miller (this has really gotten to her). We have been dealing with this for a couple of months now so her health has been affected by it. Mr. Rykaceski said according to the zoning language you cannot exceed 50% we are looking for just a statement that says we can rebuild at 100% of replacement value. You have all the written documentation. Mr. Mahood helped me with some of the work. As a home owner, we have lived in this house since 1977, never moved and a great place to live. Our daughters have moved away and our grandson lives up in the Elyria so we decided to put our house up for sale after all this time. We were excited about and fortunate to have a couple who wanted to buy it. We realized we couldn't close on their loan; the lender said that the clause in zoning about 50% rebuild was not acceptable. It needs to say it can be rebuilt at 100% of replacement value. He has been to two meetings. He has been to see Mr. Mahood twice, the County Prosecutor twice and Kathleen Chandler and hired an attorney to help with the wording.

Mr. Cutright asked what the value of house per tax purposed for the county. Mr. Rykaceski said without the tax bill. Mr. Mahood said he could look it up. Mr. Rykaceski said when they first moved in, it was just a ranch. They added a room and a garage and just last week tied into the sewer system (\$21,000).

Mrs. Saillant had no questions.

Ms. Milnes asked if they were grandfathered in under anything.

Mr. Cutright said the Board was going to have a conference downstairs for a few minutes. (Meeting held 7:18 downstairs) This was to get some information from the county.

Back upstairs at 7:41.

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

Mr. Ryaceski stated that the auditor's office stated that the area was residential not commercial.

**Resolution ZBA 2013-007. Mr. Cutright made a motion to grant the variance from Section 450.02 D. Mrs. Saillant seconded it. A vote was taken as follows: Milnes - No Saillant - No Cutright - No. The motion failed by a vote of 3/0.**

Mr. Cutright said the reason that they voted tonight as they did. Usually for a variance they try to stay in with a certain number of percentages. Mr. Rykaceski was asking for a 50%, the Board tries to stay 10 to 15 % plus the information they received.

Mr. Rykaceski said that the lender was saying that as of now, they could only build at 50%. He didn't think anyone would want to live under those circumstances. Their loan expires in July.

Mr. Cutright suggested that Mr. Rykaceski attend the Trustees meeting and try to get it a little bit faster. Mr. Rykaceski said the Trustees had told him to come before the ZBA. He had been to the Zoning Commission already. This Board has the option to give him a variance for a conditional use.

Mrs. Saillant was shocked that this had come before them. This was something the Zoning Commission should handle. Nothing like this has come before the Board.

A discussion followed on the Zoning Book.

Mr. Cutright swore in Linda Hookins, 3053 Jay St. Ms. Hookins said they should give the variance as a onetime situation. Mr. Cutright stated that someone could come and refer to this being granted and asking way were they any different. Mr. Cutright stated that the Board and to read the book and follow what is in the book and make their decision on that and the information that they received.

Mr. Mahood said he give Mr. Rykaceski a copy of the changes that were before the Zoning Commission on changing the 50% to 100%. He suggested the variance be tabled until the ZC passed the changes then Mr. Rykaceski could come before the Board without having to wait a year. All he would have to bring one new piece of information to the Board for reconsidering the variance.

Mr. Rykaceski asked the Board to consider tabling the variance until the ZC change the wording in the Zoning Book from 50% to 100%.

**Resolution ZBA 2013-008.** Mr. Cutright made a motion to table the request for the variance from Section 450.02 D after the Board's decision was made for follow up information. Mrs. Saillant seconded it. A vote was taken as follows: Saillant - Yes Milnes - Yes Cutright - Yes. The motion carried by a vote of 3/0.

**Resolution ZBA 2013-009.** Mr. Cutright made a motion to accept the minutes of April 16, 2013 meeting with corrections. Ms. Milnes seconded it. The motion carried unanimously (3/0).

Mrs. Saillant made a motion to adjourn the meeting. Ms. Miles seconded. Mr. Cutright adjourned the meeting.

Troy Cutright, Vice Chairman  
ROOTSTOWN ZONING BOARD OF APPEALS

Mary Ann Greer, Secretary BZA  
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