

The regular meeting of the ROOTSTOWN ZONING BOARD OF APPEALS was held on Tuesday, August 21, 2012 at 7:00 P.M. at the Rootstown Town Hall.

Those present:

Troy Cutright
Patricia Saillant
James Manion

Those absent:

Derek Ball
Jennifer Milnes
Tom Giovangnoli
David Rimer

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. & Mrs. Conley had the option to be heard by the three members Board or come back when there was a full Board (5 members). They opted to be heard by the present Board.

Mr. Cutright swore in Glen & Pam Conley, 3200 Sandy Lake Road, Ravenna, Ohio. He also swore in James Mahood, Zoning Inspector.

The first item on the agenda was an application for a Conditional Use Permit (CUP) from Section 390.06 for a two family dwelling for property located at 3200 Sandy Lake Road in an R-2 District submitted by:

Glen & Pam Conley
3200 Sandy Lake Road
Ravenna, OH 44266

Mr. Conley said their purpose was to split the house into a duplex. There are two other duplexes in the area. One is my next door neighbor and the other one is well within the 500 feet of me. Our purpose is to be able to hold onto the house because if we can't we will not be able to meet the mortgage. Like many other people we don't want to default on the mortgage. It can easily be split into a duplex. This home was built in two different sections and those sections each have a furnace, air conditioner, and hot water tank. There were permanent walls that were knocked out to make a doorway. All we would have to do is put in 2 doorways. He couldn't tell you if they would move out or stay. He could tell you their preference would be to stay in the larger section and rent out the other section. If he got a job out of state, they might rent out both. They would not rent to students; just professionals (Federal Fair Housing Law). It would not be a party house.

Mr. Manion had no questions.

Mrs. Saillant asked about the driveway and parking arrangements. Mr. Conley said there was a three car garage and there are three additional spaces in the turn around. She also inquired if there would be any additional lighting. Mr. Conley said there wouldn't be any more. She asked about a dumpster. Mr. Conley said there would be two trash cans. Mrs. Conley said it would look like a home. Mr. Conley said each side has three entrances and exits on the first floor.

Mr. Cutright questioned that the actual mother-in-law suite would be turned into the rental place. Mr. Conley said there was a full basement under both. Mr. Cutright inquired about the egress and getting out if there was a fire in the basement area. Mr. Conley said no. Mr. Cutright asked if they had checked on any other information if you were issued a permit and be able to meet the residential code to convert it into a duplex. Mr. Conley said they had a construction guy come in and he said it was doable.

Mr. Cutright mentioned that they had said something about having a bedroom in the basement. You have to have a three by three exit window in that room. Mr. Conley said they did not have any windows or exits out of the proposed basement bedroom.

Mr. Mahood said when they came in with the application; they met the requirements of the zoning code, to apply for a Conditional Use Permit.

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

Mr. Cutright swore in Dennis Paulus, 3223 Sandy Lake Road. Mr. Paulus said he felt for the Conley's' but he has lived out there for twenty five years. Recently there have been houses that have become rentals and there have been problems since these houses have become rentals. He stopped a burglary once already that was happening at a neighbor's house and not only that our property values go down regardless how nice their place is. Mr. Paulus said he knows that as long as the Conley's control it, it would be good but if the property is sold there is no way to know what the new owners would be like. Mrs. Conley said if the house was sold, you never know who is buying it and what would happen.

Mr. Cutright swore in Marilyn Giesige, 3192 Sandy Lake Road. Ms. Giesige said her only concern was that she wanted to know what a 2 family dwelling consists of. Mr. Mahood said the definition of a family is so vague, anybody related by blood and 2 unrelated individuals. The prosecutor says a family is a unit able to pay the bills and keep it up. Ms. Giesige doesn't want the place to turn into a party house and she would like to make sure that never happens. Mr. Mahood said you can't say never; things may happen. Mr. Conley wants to keep it nice just like it is with professional people renting it.

Mr. Mahood stated that there have been no complaints with the other 2 duplexes.

Mr. Manion stated that he understood that the other duplexes had been there for a very long time. Mr. Conley said 20 some years.

Mr. Paulus said what happens if Mr. Conley does this and then the neighbors think it is a good idea and decide to do it. Then he is surrounded by duplexes and his property value goes down.

Mr. Cutright stated that the Board has to follow the zoning code and how they interpret it. Mr. Conley said if they got turned down, they might have to rent it. His question was could they legally rent? Mr. Cutright said that they would be able to rent to one family.

Mr. Cutright inquired about the square footage of the main floor (1500) and the second floor (1000). Mr. Conley said that was right.

Mr. Manion asked how long Mr. Paulus had lived in that neighborhood. Mr. Paulus said he had been there for 25 years. Mr. Manion asked if the duplexes were there and did he build. Mr. Paulus said one was there and they were just building the one next to the Conley's when they bought the house.

Resolution ZBA 2012-006. Mrs. Saillant made a motion to approve the Conditional Use Permit application from Section 390.06 U from a single family unit to a two family unit. Mr. Manion seconded it. A vote was taken as follows: Manion – Yes Saillant - No Cutright - No. The motion failed by a vote of 2/1.

Mr. Cutright said the reason he turned it down was because of the information he received tonight, because of the possibility of a bedroom in the basement with no exit, changing the character of the neighborhood, and to protect the health and welfare of the neighbors. Mrs. Saillant said she made the motion so the Board could vote on the motion.

Resolution ZBA 2012-007. Mrs. Saillant made a motion to accept the minutes of July 17, 2010 meeting with the correction on page one, last paragraph change "Mood" to "Mahood". Mr. Manion seconded it. The motion carried unanimously (3/0).

Mr. Cutright adjourned the meeting.

Troy Cutright, Vice Chairman
ROOTSTOWN ZONING BOARD OF APPEALS

Mary Ann Greer, Secretary BZA
ROOTSTOWN ZONING BOARD OF APPEALS
ROOTSTOWN ZONING BOARD OF APPEALS

August 21, 2012

Page 4