

The regular meeting of the ROOTSTOWN ZONING BOARD OF APPEALS was held on Tuesday, September 18, 2012 at 7:00 P.M. at the Rootstown Town Hall.

Those present:

Troy Cutright
Patricia Saillant
Derek Ball
Jennifer Milnes
David Rimer
Tom Giovagnoli

Those absent:

James Manion

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. Also present was Chris Meduri, Prosecutor, and Brett Housley, Trustee/resident.

Mr. Cutright said Mr. Conley wanted to give the Board some more information on the application for a Conditional Use Permit (CUP) from last month. Mr. Cutright swore in Glen Conley, 3200 Sandy Lake Road.

Mr. Conley gave the Board copies of the new information. Mr. Conley said that last month there was a debate as to rather the duplexes next door was grandfathered in. Mr. Conley said he contacted the duplex next door and they did go before the ZBA. The other item brought up last month was the safety issue. There were no complaints from the other duplexes. There were no police, calls no noise and no general safety welfare concerns. He showed the board an aerial photo of the properties. He explained where his property was and the relationship of the other duplexes. There is no additional lighting on any of the other duplexes. As for trash, he showed what they currently do. However as per code, we can protect the trash by putting it on the side or there is plenty of room in the garage. There were other police calls to other properties in the neighborhood. He will do whatever the zoning code requires. He went around the neighborhood and canvassed everyone about what they do with their trash cans. About half of them leave one trash can out and the other half of them in their garage.

Following up, the value of property with a real estate agent, property values will remain unchanged or increase with the addition of the duplex. There are already two duplexes within 300 feet of 3200 Sandy Lake Road so the third one will not affect the value of the property close by. The basement does not have windows therefore it cannot be used for the purpose of a bedroom. The owners will meet all requirements required by the zoning code and they be put in the lease agreement with renters, especially that there is to be no basement bedroom. The last photos showed there were fenced in back yards which completely separate all properties. Finally the lighting will comply with the zoning code. He then asked that the CUP be approved.

Mr. Cutright thanked Mr. Conley for his information. There are a couple of things that need to be considered. On the part of the Board, they did not know you were coming tonight or was it advertised. It would be important to have it advertised in the paper so that would be for next month. You can submit all your paperwork to Mr. Mahood and come back and give an over view. Mr. Conley stated he would behind another month and it would be difficult to sell a home in the winter months. Mr. Cutright said to be safe on his part, he would feel very comfortable

with it being advertised and the neighbors being notified since the two neighbors were not here tonight. Mr. Conley said he would comply with what the Board decides. One of the duplexes had asked for a variance at that time but the zoning has changed since it was built some 40 years ago. The Board has to go by the Zoning Code that is in affect at this time.

Next on the agenda was an application for a variance from Section 450.03 A for property located at 3666 Sandy Lake Road in an R-2 District for construction of a 50' x 100' commercial building where the property is currently being used as an auto wrecking and auto and truck parts locating service submitted by:

Mary Ann Kurkey and Mary Ann Kurkey, Trustee
3666 Sandy Lake Road
Ravenna, OH 44266

Mr. Cutright swore in James Masi, attorney, 240 S. Chestnut St., Ravenna and Daniel Kurkey, 3025 Sanford Road, Atwater.

Mr. Masi said the application was submitted for the construction of a building (50' x 100'). They are attempting to construct a building on the property that is operated as an auto wrecking business. The building is going to be placed too close to the other building which is already on the property. We believe that the construction of this building will make the property more appealing as it will enable the Kurkey's to store more of the parts inside the covered as opposed to being outside on the property. The property is completely fenced already. There have been no complaints from any of the neighbors. It has been conducted as an auto wrecking business since being purchased in 1969.

Mrs. Saillant had no questions at this time.

Mr. Ball had no questions at this time.

Ms. Milnes asked if the building would be 81 feet from the property line. Mr. Masi said yes. Ms. Milnes then said it was 35 feet from the closest structure. Mr. Masi said he believed that it would be directly across from the one story frame. Ms. Asked if they owned all the property. Mr. Masi said that they owned all 16 acres.

Mr. Rimer had no questions at this time.

Mr. Cutright asked if the proposed building was being put on the parcel that isn't currently combined with the rest of the junk yard. Mr. Masi said no it was all combined. There is a small parcel that sits behind the parcel that has the business on it. There is, for whatever reason many years ago, a sliver of property back there that will be combined so as to not have that land locked. Mr. Cutright stated that piece of property was 36 x 162. Mr. Masi said that was correct. Mr. Cutright asked how close the other building to the property line more than 10feet was. Mr. Kurkey said it was more than 10. Mr. Kurkey said it was at least 50 or more. Mr. Cutright asked when the existing old building (40 x 72) was built. Mr. Kurkey said it was built in 1985. Mr. Cutright said there was a 20% rule on the books. Mr. Cutright asked if Mr. Kurkey was planning on removing the semi trailers after the new building was constructed. Mr. Kurkey said yes they would be moving the trailers out. He said anything that was visible would be gone. Mr. Cutright asked if the car port would be left there next to the office. Mr. Kurkey said he could move it if he had to but it was there to keep the snow off. He did not think it was any kind of an eye sore.

Mr. Cutright asked if Mr. Mahood had any more information for the Board since he was able to look up when the other building was built. Mr. Mahood said the only thing he was able to find, was it was an accessory building. There were no plans.

It is a pole building. Mr. Cutright said this was a little bit unique, if this building was added if ever down the line would you ever possibly want anything else. This is a pretty good size increase. It is suppose to be 20%. Mr. Masi said they were looking at the Section 450.02 B and 450.03 A (20% of the area of use). Mr. Mahood said the way he figured it; he took the square footage of the existing building which came out to 2880 (20% of that was 576 sq. ft.) They are not adding to that building. They are asking for about 5000 sq. ft. He did not take in account the small shed or detached garage as being part of the business.

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

Mrs. Saillant questioned as to whether there was going to be a driveway and the lights. Mr. Kurkey said there would have to be a light on new building and there is only one driveway into the business but there are roads all through the 16 acres. Mrs. Saillant how close was the closest neighbor going to be to this building. Mr. Kurkey said it was his brother.

Mr. Mahood said he took an aerial photo of the 16.45 acres. How much of that property encompasses the car and buildings. Mr. Masi said it goes back 430 feet. Mr. Kurkey said probably about 12-13 acres would be part of auto building.

Mrs. Saillant asked if the new houses across the street would be able to see the new building. Mr. Kurkey said he was not sure but from the west heading east after leaves fell, you might be able to see it.

Mr. Cutright asked if the new building would be handicap accessible and have restrooms. Mr. Kurkey said the building would be used for storage only (public would not be going in it) no need for restrooms. Mr. Kurkey said the new houses across the street would probably rather see the new building instead of the trailers. Mr. Masi said that's the purpose of requesting the new building.

Mr. Mahood asked if the Board would want to meet to consider the use of the land or the building in figuring the 20%. The Board took a time out to consider this.

Mr. Cutright said the Board took into consideration the established building and temporary storage for the square footage to determine the 20% increase.

Resolution ZBA 2012-008. Ms. Milnes made a motion to approve the Conditional Use Permit from Section 450.03 A (this is a very unique situation) with the conditions of a onetime for this property (16.45 acres) and that the outside portable storage units be removed and the north and west side to be fenced in and any lighting on the new commercial storage building (50 x 100) cannot be visible to the north and west and these conditions to be met by October, 2013. Mrs. Saillant seconded it. A vote was taken as follows: Saillant - Yes Rimer - Yes Milnes - Yes Ball - Yes Cutright - Yes. The motion carried unanimously. (5/0).

Resolution ZBA 2012-009. Mrs. Saillant made a motion to accept the minutes of August 17, 2010 meeting with corrections. Mr. Cutright seconded it. The motion carried unanimously.

Mr. Cutright adjourned the meeting.

Troy Cutright, Vice Chairman
ROOTSTOWN ZONING BOARD OF APPEALS

Mary Ann Greer, Secretary BZA

