

The regular meeting of the ROOTSTOWN ZONING BOARD OF APPEALS was held on Tuesday, November 20, 2012 at 7:00 P.M. at the Rootstown Town Hall.

Those present:

Troy Cutright  
Patricia Saillant  
James Manion  
Jennifer Milnes

Those absent:

Derek Ball  
Tom Giovagnoli  
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. Cutright swore in the following people:

Mark Clark, 2662 Wintergreen Lane, Ravenna, Ohio  
Brenda Clark, 2662 Wintergreen Lane, Ravenna, Ohio  
Kathy Wade, 2572 Wintergreen Lane, Ravenna, Ohio  
Mary Ake, 2572 Wintergreen Lane, Ravenna, Ohio  
Lori Ake, 2572 Wintergreen Lane, Ravenna, Ohio  
John Bevan, 2615 Wintergreen Lane, Ravenna, Ohio  
James Wade, 2674 Wintergreen Lane, Ravenna, Ohio  
Christine Parker, 2589 Wintergreen Lane, Ravenna, Ohio  
Barbara Bevan, 2615 Wintergreen Lane, Ravenna, Ohio  
James Mahood, Zoning Inspector.

The first item on the agenda was an application for a variance for parking of a commercial vehicle in a platted subdivision for property located at 2662 Wintergreen Lane in an R-2 District submitted by:

Mark Clark/Brenda Clark  
2662 Wintergreen Lane  
Ravenna, OH 44266

Mr. Clark stated he usually gets home from work around 4 P.M. He backs the truck in the driveway, turns the wheels to the left so if anything happened it would go into his yard. He puts wheel chucks under the wheels. It is parked there and only started in the mornings.

Mr. Manion asked if the truck was owned by Mr. Clark or the company. Mr. Clark said the company owns the truck. He works in Youngstown.

Ms. Milnes stated that these people needed a variance because the subdivision is platted.

Mrs. Saillant asked how long the truck has been there. Mr. Clark stated 2 months prior to that it was being worked on. Mrs. Clark stated that they did not know about the deed restrictions for parking commercial vehicles in their driveway before they bought the house.

Mr. Cutright asked who informed them that they were breaking the zoning code. Mrs. Clark said they got a letter. Mr. Cutright asked if they found out about on their own. Mr. Mahood said someone turned them in.

Mr. Manion inquired if Mr. Clark did or did not work for this company. Mr. Clark said he did. Mrs. Clark said the truck was in for restoration and he borrowed a truck.

Mr. Mahood said the violation went out in October. Mr. Cutright asked Mr. Mahood if when he went by the property was the truck there. Mr. Mahood said when he went by, Mr. Clark was at work.

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

Kathy Wade said one of her concerns was that she sat on her front porch morning and evening and all she saw was the truck. She said it was a planned community. They were not talking about a pickup truck or van. The zoning resolution said it could be a one ton truck (nothing bigger). Everyone takes care of their property. They have nice homes and this truck is a big eye sore. They are concerned that it will destroy Clark's 4 inch concrete driveway. It is a work truck. They called Caterpillar and talked to an administrator there who said some workers find other locations to park their trucks at. Mr. Cutright stated that he would have to disagree with that. Ms. Wade stated if she sat out on her front porch in the morning, she could hear the truck start at a quarter of six.

Mr. Cutright asked if Mr. Mahood had heard any complaints about the grass being high at that property. Mr. Mahood stated just one and they took care of it.

Lori Ake stated that the Clark's are not the only ones to bring their work vehicles home. There are trailers placed in yards which do not look good. She said she had no problem with the truck. Mr. Cutright said he would rather see them park in the driveway rather than on the street.

James Wade said when he talked to the Caterpillar people; they told him their trucks are parked in gas stations all the time. Their name is on the trucks. Mr. Cutright then asked if he would do that with his vehicle. He said he drives to Youngstown every day. His truck is under the 1 ton capacity which is unmarked. Mr. Cutright asked why he did not have commercial plates. He said he had no idea why the company did not have them.

Mr. Cutright then read the definition of a commercial vehicle from the zoning code.

Christine Parker said she felt if you take away this vehicle, it could mean his job. For me it would be more detrimental for the home to go for sale because they couldn't meet the mortgage because he doesn't have a job. The problem with grass not being cut was they were getting married. Give them a break. Lots of people have had breaks.

Mr. Manion said he would like to outline the Section G - commercial parking. There are 4 provisions for commercial parking. No more than one commercial vehicle parked there. The commercial vehicle shall be limited to a vehicle use on regular bases by the resident. That is being done. The maximum gross vehicle length of the commercial vehicle shall be 24 feet. This is less than 23 feet. The maximum vehicle weight shall be 18,000 lbs. except that in a platted subdivision. The gross vehicle weight shall not exceed 1 ton rating capacity. The only exception this gentleman has not met is he is in this platted subdivision. If he was anywhere else in Rootstown, he would be allowed to keep his truck in the driveway. No. 3 no maintenance service or extended running of the commercial vehicle shall be conducted on the residential lot.

He has told us he has not done of that. The commercial vehicle shall have no connection to any water, electrical, telephone, sewer or gas which he is not doing. So the way I understand this is that he is asking for a variance for the weight of his truck. We are not being asked to change the zoning. There was a letter sent to the Board stating that they were changing the zoning. We do not change the zoning.

Mr. Cutright explained that the Clarks had a choice to be heard tonight by the Board present or wait until there was a full Board (5 members).

Mr. Clark said they would go with the Board tonight.

Resolution ZBA 2012-013. Mr. Manion made a motion to grant the variance as requested from Section 310.09, G. Mrs. Saillant seconded it. A vote was taken as follows: Saillant - Yes Milnes - Yes Manion - Yes Cutright - Yes. The motion carried unanimously (4/0).

Resolution ZBA 2012-014. Mr. Manion made a motion to accept the minutes of October 17, 2012 meeting. Ms. Milnes seconded it. The motion carried unanimously (4/0).

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

Troy Cutright, Vice Chairman  
ROOTSTOWN ZONING BOARD OF APPEALS

Mary Ann Greer, Secretary BZA  
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