



The regular meeting of the ROOTSTOWN ZONING BOARD OF APPEALS was held on Tuesday, April 5, 2022 at 6:30 P.M. at the Rootstown Town Hall.

Those present:

Troy Cutright  
Michael Szabo  
Derek Ball  
Ralph Paulus  
Brian Kinter  
Mike Osborne

Those absent:

Gary Slocum

Also in attendance:

ZBA Secretary, Jordan Michael

Mr. Cutright called the meeting to order. Mr. Cutright introduced the Board members and explained the evening's procedures.

The first and only item on the agenda was an application for a Conditional Use Permit per Section 350.03 C8(b) for outdoor storage on property located at 4393 Lynn Road in a C-3 district, submitted by:

Daywalt Management LLC  
4393 Lynn Road  
Ravenna, OH 44266

Mr. Cutright swore in David Daywalt, 3449 Herriff Road, Ravenna, OH 44266.

Mr. Daywalt said he has the Coia building and put a fence up, and they cannot always get everything inside of the fence. He took some pictures to show what goes on. They are moving equipment in and out of there constantly throughout the day. The first area he is requesting to leave things out is behind the loading dock. There are a couple of steel crates there; those crates are what the tractors are shipped in. They sometimes accumulate up to

50 to 60 crates that sit back there; then a semi comes and picks them up. It is really not practical to store them inside the fence and then move them back out. By the way, the entire back is completely wooded and not visible. Outside of the storage building, those pieces of equipment sitting there will be put away at night time. During the day, their trucks unload equipment, and depending on where things are staged, they will put them there, and at the end of the day they try to get everything inside to the best of their ability. Behind that is the other section that at times they cannot get things put away. The longest it will sit out there is 48 hours at the most, until they can move things around to fit it inside. Some pieces of oddball equipment will sit out there until they get them running, take them in to service them, or take them to the scrap yard. There is nothing that is stored outside permanently. Usually everything that is left outside will turn over within a 24–48-hour period. They try to keep everything they either use or are servicing, inside the fence or inside the building. Apparently what they are violating is things are not always inside at night. They do a lot of plow work and have municipalities dropping off trucks and plows. This time of year is the busiest time. He is asking for the right not to have it inside that fence, but yet not stored outside that fence. There is nothing that will sit outside the fence for a long period of time.

Mr. Cutright asked how feasible it would be just to fence in the whole perimeter. Mr. Daywalt said the first thing they looked at was to put gates across. If they had had that this winter, it would have been a nightmare. The other problem with completely fencing the whole thing in is snow. Even if they got permission for 24 months, he would make a commitment to expand the fence. It is just the cost at this point in time with what they spent on the building. If they had known, they probably would have made the fence bigger. He asked if it would be an issue if they had not put it up, did the fence cause the issue? Mr. Michael said the outdoor storage needed to be permitted either way, whether it was inside or outside of a fence. It would still need to go through zoning.

Mr. Cutright said the only issue he sees is that this is not really including the dock area, which is kind of dangerous since it is open. Mr. Daywalt said they put a rollback in front of it at night.

Mr. Szabo asked where do we define outside storage, and what is the timeline that we define. 24 hours is not what he considers storage, as opposed to 90 days. Mr. Michael said when Mr. Tirpak was initially seeing

things outside, it was longer than that. Since we had a conversation with Mr. Daywalt, more of an effort was made to move things in a timely manner. Mr. Daywalt said a lot of that happened in the winter and we had big snows. We had trouble moving equipment around.

Mr. Kinter said if the turn-around for equipment is 24 to 48 hours in that certain area, he does not consider that storage. Mr. Cutright said it does not say specific pieces of equipment, it says any kind of outdoor storage. Mr. Daywalt said there are always going to be crates there. But the rest of this stuff does not sit there and will turn over. The other thing that happens is a customer will come right before closing to drop something off, and no one is there. Mr. Kinter asked what is the difference between that and a trailer sitting at Shur-Co. Mr. Cutright said they are license plated.

Mr. Szabo read the definition of outdoor storage. He asked Mr. Daywalt if he is selling the product that he is taking in. Mr. Daywalt said yes. Mr. Szabo said it is all containerized, so the definition is a little muddy.

Mr. Daywalt said if they expand the fence over time, which they would definitely commit to doing, they just need a plan on how that looks, with green space for demonstration. Mr. Paulus said if you put a gate you would still have access to everything.

Mr. Cutright asked if anyone from the audience had any questions. Mr. Cutright swore in Wylie Fletcher, 4687 Lynn Road, Rootstown 44272. Mr. Fletcher asked if a conditional use is granted, is that precedent-setting, or is each one of these looked upon as an individual case. Mr. Cutright said each conditional use for each applicant would be individualized. Mr. Fletcher asked if setting a precedent is something that you look at. Mr. Cutright said a variance would be setting a precedent. He does not want to give Resident A the ability to do this but not Resident B. Everything is a little bit unique and they try to take everything on a case-per-case basis.

**Resolution ZBA 2022-005.** Mr. Kinter made a motion to accept the Conditional Use Permit for Section 350.03 C8(b) for outdoor storage on property located at 4393 Lynn Road in a C-3 district, submitted by Daywalt Management LLC. The motion was amended to state the conditional use is for Area A and Area B, as submitted per the site plan. Mr. Szabo seconded the motion. A vote was taken as follows: Kinter - Yes Szabo - Yes Paulus - Yes Ball - Yes Cutright - Yes. The motion carried by a vote of 5/0.

**Resolution ZBA 2022-006.** Mr. Cutright made a motion to accept last month's meeting minutes as corrected. Mr. Paulus seconded the motion. The motion carried by a vote of 5/0.

Mr. Paulus made a motion to adjourn. It was seconded by Mr. Szabo.

Mr. Cutright adjourned the meeting.

Troy Cutright, Chairman  
ROOTSTOWN ZONING BOARD OF APPEALS

Jordan Michael, Secretary  
ROOTSTOWN ZONING BOARD OF APPEALS