

RIVERSIDE LOCAL SCHOOLS

Achieving Excellence

585 Riverside Drive • Painesville • OH 44077

Phone (440) 358-8202 • FAX (440) 639-1959

www.riversidelocalschools.com

We were surprised by the action of the Board of Zoning Appeals. The rationale provided was that we "Did not meet the majority of the standards in section 13.05." We believe firmly that our school will be a community asset and benefit to the neighborhood in which it is located and that we meet more than a majority of the 13.05 standards and all of the 13.10 standards. We also would like to point out that at no time did the BZA consider the 13.10 standards or balance those standards with the 13.05 standards. We believe this was an error. At no time during the review was there any consideration of the statutes that the District must follow.

The Board of Zoning Appeals denial of the conditional use permit means the District has two choices: One option is to appeal to Court for a review of the BZA decision and an interpretation of the interplay between the School District's statutory powers and requirements and the Township's zoning resolution. The second option is to spend additional funds on site acquisition and delay the new school by at least a year. The proposed school is being designed almost exactly like the Madison Avenue school and we planned to bid them together to save money. Our consultants believe that it would cost at least \$1,000,000 or more to delay.

We believe going to Court is the only option available to us. We are empowered by statute and have been elected by the community to provide for the education of the school age youth of our community. That charge includes the decision to locate and build schools. Our community recently decided to tax itself to improve the schools and we are accountable for that trust as well. Every dollar we spend on lawyers is a dollar not available for our central purpose: educating children. We regret that the Township has put us in this position. There is no statute, court decision or other law that empowers a Township Board of Zoning Appeals to veto a School District decision relating to the location of a school when the School District has made a good faith attempt to meet the zoning resolution requirements.

We are more than willing to meet with Township Trustees and others to negotiate a resolution but we believe that must be in the context of settling a lawsuit (that is the opinion of your law director and our counsel). Please reconsider your position to "fully defend the decision of the Board of Zoning Appeals in court" and let's work together on the opportunity that State Route 608 presents. We believe the site on State Route 608 was the best option when it was purchased in March, 2017, was the best option when enhanced with additional acreage in June, 2017 and remains the best option today.

Sincerely,

Riverside Board of Education

Belinda Ganci Gassi

John Miley

Thomas Hawk

Steve

TH