

City of Norton
BOARD OF ZONING & BUILDING APPEALS
February 20, 2019

The Board of Zoning & Building Appeals convened in Council Chambers at the Safety Administration Building; Chairman Helmick called the meeting to order at 6:00 PM. Before going forward with the meeting, Chairman Helmick explained to the applicant and those in attendance that they were without a full Board tonight. Although the three present members do represent a quorum and can perform a binding decision, the applicant may decide to delay the hearing as there will only be three voting members tonight which can impact the decision. If the Board denies the application, the applicant would have to reapply and come back. Chairman Helmick asked if the applicant wanted to delay the hearing and the applicant did not so the meeting proceeded. This was followed by the Pledge of Allegiance and a moment of silent prayer.

I. ATTENDANCE:

PRESENT:

Donald Welch	X	Bill Helmick	X	Sandy Chrisant
X Andrew Mullins		Nick Genis		

EXCUSED:

X Donald Welch		Bill Helmick		Sandy Chrisant
Andrew Mullins	X	Nick Genis		

ALSO PRESENT: Bill Braman, Zoning Inspector; Jack Gainer-Ward 1 Councilman

II. SWEARING IN:

Chairman Helmick reviewed the procedural requirements for the night's hearing. Chairman Helmick proceeded by stating that this was a quasi-judicial Board and advised that anyone wishing to speak needed to sign the attendance sheet, giving their name and address before being sworn in prior to speaking.

III. PUBLIC HEARINGS:

Chairman Helmick called the hearing open on BZA Application A1-2019 and stated it was requesting a variance to place a pole barn beside the home; one for maximum height and a second for off street parking. Mr. Helmick asked the applicant or agent to come forward, be sworn in, state his/her name and address for the record, and present pertinent information regarding the application. Keith Vinez of 4383 Inner Circle Drive Apt. B22 in Brunswick, who represented his son Nicholas Allan Vinez, the owner, and Casey Vinez of 3555 S. Medina Line Road in Wadsworth. the wife of Nicholas Vinez were sworn in:

- A. BZA Application A1-2019
Nicholas Allan Vinez – Owner
3555 S. Medina Line Rd.
PPN # 4608960
[A Variance for 1296.03 (a) Pole Barn must be behind home.]

Mr. Vinez- The building was to be used for storage and the reason they needed to move it was because the house was up against the backlot. There was less than 50 feet from the back property line. The area intended for the building was basically the only space buildable without major renovation and is across and up from the house.

Mr. Helmick-On the north side?

Mr. Vinez-Yes, on the north side. The septic and gas line easement is on the west side. The south is butted up against the property line and is down into the wet area and well with no access. It is basically the only place where they can move it to have access to it for safety and security.

Mr. Helmick-Would you like to explain to the people here tonight how many rooms are in the home any other things you may want to share that is present there.

Ms. Vinez-In the home there are currently three bedrooms, with dining room, kitchen, living room, and 3 bathrooms. It is my husband and I and our two children that live there. We are running out of garage space for all the kids' toys and tractor and everything. Having the pole barn would free up some garage space that is attached to their house.

Mr. Helmick-Mr. Braman and I have been out to the property and it is a very unique location out there. It is off to themselves and it is like 50 feet from the back of the house over to the back property line, which is Norton and is landlocked from Norton's side. In order to get there, a road does come in from Medina Line Road to that property location and you say that road belongs to you?

Ms. Vinez-The driveway does, yes.

Mr. Helmick-Okay, I want that on the record too. It is interesting to see a place like that with a driveway that long and it is long. It makes you wonder where the house is that you are going to look at and Mr. Braman agreed.

Chairman Helmick asked the Board if anyone else wanted to say anything about the house before opening to the audience.

Mr. Mullins-What is the size of the lot you have?

Ms. Vinez-The acreage is just shy of four acres, I am not sure of it exactly, maybe 3.76 acres.

Mr. Vinez-It is a long, narrow lot.

Mr. Mullins-Yes, I see the plot. Are you going to put any utilities in the pole barn?

Mr. Vinez-Yes, electric and possibly water. It hasn't been decided yet.

Mr. Mullins-Will it be a one story polebarn?

Mr. Vinez-Yes.

Mr. Mullins-Where will the entrance be for it? The drawing is not very informative.

Mr. Vinez-It will be right off the drive, about 10 feet where it angles off the driveway. It would depend on the site where we are allowed to build.

Mr. Braman-As they explained, the property is unique; they really don't have an option of putting it behind their house. If you look at the property and just being basic and not making it more than it is, they are pretty far off the road so the change is pretty insignificant in the grand scheme of things. If it were closer to the road and in a view where maybe you could see, I could have some reservations. However, as it is now, I see the need where they cannot put it behind their house. This is probably the most economical and appearance wise way to build it; I have no objections what-so-ever.

Mr. Helmick-Mr. Braman as an application that came to us first, normally Mr. Mullins is right in what he is asking for; we would get dimensions, the height, and everything else. Normally on an application of this type for a pole building and the materials for the structure that will be included in it would be given to the Board.

Mr. Braman-Keep in mind though, it is hard to ask people on plans or materials on something they may not be

able to have. It's the location issue first; they are not asking for a variance of the size. I spoke to the husband and he is pretty much aware of the footage he can build; it's more a question of the location and I do not expect anything else. If he did choose to build larger than allowed, he would have to come back.

Mr. Helmick-Thank you; that will be going on the record. Does the applicant understand that?

Mr. Vinez-Yes.

Ms. Vinez-What he has written on there, would be the biggest possible size that is allowed for us.

Mr. Mullins-The 32 x 60 and the 12 foot is the height of the ceiling or the roof?

Mr. Vinez-It would be a 12 foot pole barn basically.

Ms. Vinez-That is the maximum allowable for our acreage.

Mr. Mullins-Normally I would inquire about the type of materials you would be using, but back that far, who will ever see this property.

Mr. Vinez- The game plan is for it to all be aluminum sided.

Mr. Helmick-And you will meet all building requirements of the City of Norton on this building?

Mr. Vinez-Yes. It will be cut and dried.

Mr. Mullins-On the back side of the proposed pole barn, there doesn't seem to be any kind of development back there or plans that you are aware of that property that the building could impede on them?

Ms. Vinez-No, nothing that I am aware of as the property line goes back farther than our property line is over to the highway.

Mr. Mullins-I don't think they would and it looks like they are farming back further.

Ms. Vinez-Yes and behind that is a septic and drain company.

Mr. Helmick-All Town & Country.

Ms. Vinez-Yes.

Chairman Helmick asked if there was anyone wishing to speak for or against the application? Please approach the podium, sign in, state your name and address, and be sworn in.

Mr. Kevin Brecht. 3565 S. Medina Line Rd., Wadsworth, approached the podium and was sworn in.

Mr. Brecht- I am the house you passed to go down to their house and I actually used to live in that house. I am certainly in favor of it. We like the idea of it being like a hobby farm area. We hope to keep that kind of feel along the street. My Dad is the next neighbor at 3609 S. Medina Line and he is in favor of it as well. We just wanted to come here and express our support and say we fully think you should allow the variance on it.

Mr. Helmick-We appreciate that because your property runs all along where the barns are?

Mr. Brecht-Yes, we kind of back right up to where the gas well was.

Chairman Helmick asked again if there was anyone wishing to speak for or against the application?

Chairman Helmick asked for the third and final time if there was anyone wishing to speak for or against the application? Hearing none, I close those discussions from the public for this hearing and opened discussion to the Board.

Chairman Helmick asked if there was a motion for approval or denial on BZA Application A13-2019.

Mr. Mullins-My only concern is the past history on pole barns that have come before us. We have had them and they were denied; obviously they were a different situation, but are we setting a precedence that would allow this to happen more often?

Ms. Chrisant-Do we know what the lot sizes involved were before?

Mr. Mullins-Significantly smaller.

Ms. Chrisant-I think with four acres that has an impact.

Mr. Mullins-And we have factors that others didn't. This one is not on the road and doesn't impede on the neighbors property and the drainage wasn't adequately handled as some of the others did. This is not on the road, doesn't impede, and does not appear to have any problem with drainage. So there are differences between this one and the prior one.

Mr. Helmick-This gentleman that was here this evening owns the only property along that road that borders this property along the front side.

Ms. Chrisant-I feel that is our job to discern whether there is a unique difference in what we are approving. I feel this one definitely meets the requirement to approve where with a smaller amount of land or impeding on neighbors is not something we would agree to in the future. So I don't really feel it is a precedent except for other properties that are secluded and have a lot land.

Ms. Chrisant made a motion to approve the variance for BZA Application A1-2019 to allow the pole barn to be built as requested in the application and Mr. Mullins seconded.

Chairman Helmick called for a vote on the motion:

For:

	Donald Welch	X	Bill Helmick	X	Sandy Chrisant
X	Andrew Mullins		Nick Genis		

Against:

	Donald Welch		Bill Helmick		Sandy Chrisant
	Andrew Mullins		Nick Genis		

Motion Passed 3-0 The variance application has been approved.

Chairman Helmick asked Mr. Braman to tell the applicant when he can pick the application to proceed.

Mr. Braman-Give us a couple hours in the morning and then just come in to pick up the legislation for the approved zoning permit. That is when you would need the plans for the size and height. You have six months to apply for the building permit. You will need a good plan for the building department in Barberton.

IV. OLD BUSINESS: None

V. NEW BUSINESS: None

VI. APPROVAL OF MINUTES:

June 19, 2018 and September 18, 2018

Chairman Helmick asked for a vote on the approval of the BZA June 19, 2018 minutes as written or with modifications.

June 19, 2018 minutes were approved unanimously 3-0 as written.

Chairman Helmick asked for a vote of the approval of the BZA September 18, 2018 minutes as written or with modifications.

September 18, 2018 minutes were approved unanimously 3-0 as written.

ADJOURN:

Meeting adjourned at 6:27PM.



BZA Chair/Vice Chair



BZA Vice Chair/ Member

6/18/2019
Date

Minutes recorded by Shannon Szittai