

**City of Norton**  
**BOARD OF ZONING & BUILDING APPEALS**  
**April 16, 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. This was followed by the Pledge of Allegiance and a moment of silent prayer.

**I. ATTENDANCE:**

**PRESENT:**

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

**EXCUSED:**

Donald Welch            Bill Helmick            Sandy Chrisant  
Andrew Mullins    X    Nick Genis

**ALSO PRESENT:** Bill Braman, Zoning Inspector; Jack Gainer-Ward 1 Councilman; Charlotte Whipkey-Council at Large

**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 A5-2019 and stated it was requesting a variance to section 1296.03 of the Code to build a garage. Chairman 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. Rebecca Mollohan, 14081 Allison Drive, Doylestown, the agent for 4140 Reimer Rd., was sworn in:

- A. BZA Application A5-2019  
Patty Franks – Owner  
4121 Johnson Rd.  
PPN # 4601889  
[A Variance for 1296.03 to build a garage.]

Ms. Mollohan- Actually we want to sell the property and it is too small for a house so we have not been able to sell it. It is part of my Mother's estate; she is 89 years old and I am trying to clear some things up before she passes. This variance would help us to have a garage put on it and help to be able to sell it.

Mr. Helmick-What do you intend to allow the building to be used for if it is approved?

Ms. Mollohan-The person that wants to buy the property is here and he can tell you better on that.

Basil Rainer, 3741 Mt. Vernon Blvd. Norton, Oh 44203 approached the podium and was sworn in.

I bought an RV and want to store the RV there under the tall part and an old pickup on the short side. There will be no water or sewer, just electric.

Ms. Chrisant- So the hardship for you is you don't have a place in Mount Vernon to store it and the hardship for Ms. Mollohan is you cannot get anyone else to buy it. How long has it been on the market?

Ms. Mollohan-Since last October and he is the first person I am aware of that's made an offer on it.

Ms. Chrisant-And you cannot build a house or have a septic because the lot it is too small and there is no water or sewer available there.

Mr. Helmick-Mr. Braman, I would like your comments on this.

Mr. Braman-I think they hit the nail on the head. It's an R-3 district with lot requirements being 75 wide x 140 deep and I believe it is 40 wide x 60 something. Normally I would say that this could be a dangerous road to go down, but in two aspects, I can see the benefit of it. One, we won't have a motor home in Mount Vernon, which cuts down the calls to me; and two, if you look where this property is located is the fire department which sits as a garage with no home. So it's not aesthetically going to pose any issues. If anything, it will revitalize that little corner there. I personally do not see an issue with it and I do not want to deem it useless, but it is unfeasible for a home. Someone would get some use out of the property and the property owners would be able to reclaim some of their initial investment.

Mr. Mullins-It's got five foot offsets along the property lines, isn't that a code violation?

Mr. Braman-That's a tricky question. If you read the R-3 home language, it would probably comply with that as a home. The initial language for an accessory building states it has to be 10 feet. In an R-3, it can be as little as five and up to a total of 10 feet, I believe is how it reads.

Ms. Chrisant-For an R-3, isn't 50 feet for a front yard and side is 15 feet total under 1266.04?

Mr. Braman-No side yard shall be less than 5 feet or a total of 15. Is it five feet on both sides with the garage on there?

Mr. Rainer-The County says the lot size is 50 wide x 136 deep. So my building would be 40 x 40.

Ms. Chrisant-So he has the size with a fifty foot wide property with a 30 foot wide building.

Mr. Mullins-I am going by what is on the application and it states it is a 40 foot building on a fifty foot wide lot.

Mr. Rainer-Originally I had it larger, but I can get by on less so I made it less. The new one is 30 feet.

Ms. Chrisant-What is the depth of the new proposal?

Mr. Rainer-It is 36 feet.

Mr. Mullins-I have an application stating the 40 x 40 and nothing else saying any different.

Mr. Braman-That is partially my fault because we had spoken and he redid the plans; it probably didn't get sent to everyone.

Mr. Mullins- So it is going to be 30 feet wide and how long?

Mr. Rainer-The new size is 30 feet by 36 and 18 feet high.

Chairman Helmick asked if anyone else on the Board had any more questions?

Mr. Welch-Is there a need for it to be the 1600 square feet? Could you have made it a little smaller to house the vehicles?

Mr. Mullins-Remember he changed it to 30 x 36. This is what happens when we don't get all the information; we get confused and it makes it hard to make decisions on the property when what we have are all different.

Chairman Helmick stated that having heard the testimony of the applicant, is 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.

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 present wishing to speak for or against the application? Hearing none, and everyone present being given the opportunity to speak at the public hearing, I now declare the fact finding portion of this hearing closed. At this time, the Board will discuss the application and may ask additional questions of the applicant until a decision is reached.

Mr. Mullins stated the owners had demonstrated a need as far as selling the property; not so much for the one looking to purchase as they are just looking for storage and they could find other places and means for storage so I don't feel that is a real need. The person selling has basically worthless property and that is a need to be able to sell.

Mr. Welch added that in an R-3 district they have to be served by sewer and water utilities for a home and that does not exist.

Mr. Helmick pointed out it is non-use of land.

Ms. Chrisant agreed and felt it was important they should be able to sell the land; if her Mother passed, technically we would have to mow it if no one buys it. I believe the hardship is there for her.

Mr. Welch agreed the hardship was there for the owner, but not for the buyer.

Chairman Helmick asked if there were any recommendations for a motion to approve or disapprove the application?

Mr. Mullins stated I am torn with this one; I don't like the idea of just storage in residential areas, but I do see the need for a person to be able to use this property for something. I will make a motion to approve for the storage garage with the new measurements of 30 x 36 as opposed to the prior proposal and Mr. Welch seconded.

Chairman Helmick called for a vote on the motion:

**For:**

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

**Against:**

Donald Welch      Bill Helmick      Sandy Chrisant  
Andrew Mullins      Nick Genis

**Motion Passed 3-0-1 Ms. Chrisant abstained as it was a conflict for her as a realtor. The variance application has been approved.**

Mr. Braman stated they can come in tomorrow morning and get their zoning permit from Ms. Durbin.

Chairman Helmick closed the hearing on Application A5-2019

Chairman Helmick called the hearing open on BZA Application A6-2019 and stated it was requesting a variance to section 1296.03 of the Code to build a garage. Chairman 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. Joel Bishop, of 4241 S. Hametown Rd., the applicant, was sworn in:

B. BZA Application A6-2019  
Joel Bishop – Owner  
4241 S. Hametown Rd.  
PPN # 4601097  
[A Variance for 1296.03 to build a garage.]

Mr. Bishop-My hobby is two wheeled vehicles and I have a garage to house our daily drivers and a second one to maintain our daily drivers for the family, but it has become quite full with my two wheeled vehicles. It has made it difficult to work on our daily drivers. I would like the new garage to put all my toys, if you would like to call them toys. It would open up a garage for all my tool boxes and to work on everything. I have crowded myself out of the original one and it is just for personal use.

Mr. Helmick-I have been out to the property, but I don't know who else on the Board has been out to look at his property.

Mr. Mullins-I have.

Mr. Helmick-As I recall, there are three buildings there and a pool behind the home.

Mr. Bishop-The pool is gone now, thanks to my wife. Our personal garage is right behind the house; behind that there is a shed where I keep my lawn equipment and behind that is the other garage.

Mr. Helmick-Where do you intend to put this one in relation to the other?

Mr. Bishop-If you face the furthest garage, the new one would be right next to it. There is a 15 foot concrete pad that would be between the two. It would be a twin of the other garage.

Mr. Helmick-There is plenty of room for a building of that size and type there from the edge of your lot?

Mr. Bishop-Yes, it is 26 feet square just like the other one.

Mr. Mullins-What is the property, an R-1, 2, or 3?

Mr. Braman-R-1.

Mr. Welch-You have a small village going on there.

Mr. Bishop-This would make it very usable and comfortable for us. Doing what I do, I just enjoy it back there.

Mr. Welch-Do you see yourself becoming a repair shop?

Mr. Bishop-No, it is just for personal stuff and family use. Like my daughter will bring her car over and I maintain it for her, but no, not as a business. When I retire shortly, I am going to retire; I am done and this is just a hobby.

Mr. Welch-I know you said you wanted it to appear balanced and appreciate that, but is there any other reason you didn't consider just attaching the new to the old?

Mr. Bishop- I have a trailer that I haul the bikes around on when I need to and it sits there on the slab. I felt having the garage, the slab, and then another garage would be a nice effect.

Ms. Chrisant-As I understand this, you are 72 square feet too big, right? Could you make it smaller?

Mr. Braman-Not necessarily 72. If you total up all the big exterior buildings on the property, he probably exceeds a little bit. I am assuming the shed was there when he moved in and he inherited what is there, per se, but adding the other garage will put him over some. Ultimately he needs the variance for the total garage with the square foot proposed. If I am not mistaken, there is probably the same situations close by and he is doing it legally. I feel it would be an improvement to the neighborhood and if it keeps them in Norton after they retire, it is a good thing.

There was discussion on the pool being removed and what sheds were there yet.

Ms. Chrisant-What is this area as an easement, Route 21?

Mr. Bishop-It is 271. It is from the highway put in and is around 25 feet from the fence.

Mr. Helmick-I walked back there and saw 21.

Chairman Helmick stated that having heard the testimony of the applicant, is there anyone wishing to speak for or against the application? Please approach the podium, sign in, state your name and address, and be sworn in.

Jack Gainer, 3920 Wadsworth Road, approached the podium and was sworn in.

Mr. Gainer-I don't see any problem with this at all. First of all, it is backed up to 21 and the property is far enough away from the adjoining properties. I think it is an ideal spot for a garage.

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 present wishing to speak for or against the application? Hearing none, and everyone present being given the opportunity to speak at the public hearing, I now declare the fact finding portion of this hearing closed. At this time, the Board will discuss the application and may ask additional questions of the applicant until a decision is reached.

Chairman Helmick asked the Board for any thoughts or a motion.

Mr. Welch-It makes sense with it being up against 21 and no one will be seeing it from their back yard and the property is real long to begin with. I make a motion to approve this application as it stands and Ms. Chrisant seconded.

Chairman Helmick called for a vote on the motion to approve:

**For:**

X 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    4-0    The variance application has been approved.**

Chairman Helmick closed the hearing on Application A3-2019 and thanked those in attendance for their patience.

Chairman Helmick called the hearing open on BZA Application A4-2019 and stated it was requesting a variance to section 1296.04(1) of the Code on Set Back Requirements for 2661 Barber Road. Chairman 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. David Smith, of 1930 Partridge Lane, Akron, the agent, was sworn in:

C.    BZA Application A4-2019  
      First Chair Properties – Owner  
      2661 Barber Rd.  
      PPN # 4608248  
      [A Variance for 1296.04 (1) Set Back Requirements.]

Mr. Smith-We are here for a variance on a front yard setback of 50 feet; it would be the property formerly known as the Red Pepper. The new owners would like to build a warehouse facility and the property is really unique as it has three front yard setbacks. Many times you have a corner lot where you have to deal with two front yard setbacks, but in this case there is Barber Road, Summit Road, and Clark Mill Road all circling this property. As it moves to the north, it converges to an angle that pinches off the property. The owner would like the warehouse to face Barber Road to get their service vehicles in and off the road. This is compounded by the fact that there are two easements running through the property containing waterlines. Summit Road presents a problem with the setback cuts off the corner of the proposed building so we are requesting a variance of 37 feet off of Summit Road.

Mr. Helmick-I am very familiar with that location. Where exactly does that 50 foot setback start at; at the junction?

Mr. Smith-It is just the northeast corner of the building that runs into the setback.

Mr. Mullins-Is there any reason why you cannot use Summit Road as the entry point and have the building facing that direction so you don't have a setback problem?

Mr. Smith-I would say there is someone here from the company that could probably speak better on that.

Mr. Welch-As he is signing in, what exactly are you going to be putting into the building?

Mr. Braman-They are actually set for Planning next week as well.

Mr. Helmick-Are you going to modify this structure?

Mr. Mullins-They are taking down the existing building.

Gab O'Neil, of 904 Lynn Haven Lane, Akron, was sworn in:

Mr. O'Neil-It's a warehouse for prepping and loading equipment onto flatbed trucks and working on maintenance from time to time for spray painting. This company, based on what they do, is they do line striping, cones and barrel renting for the state of Ohio, West Virginia, and Pennsylvania for long term safety and they are intending this to be their new main office area.

Mr. Helmick-So it will be a new building?

Mr. O'Neil-The warehouse will be a brand new building; the existing building is going to be converted into new offices. We will make it nicer looking than it is right now. More than anything, they will have a single wash bay in the new building to clean trucks as they come in off the road. The other bays will mostly be used to load and unload trucks and vehicles out of the weather.

Mr. Welch-The original question was what would prohibit moving the building to comply with the setback?

Mr. O'Neil-As far as the amount of space we require to operate the business, we are starting to push the thresholds where in a couple years we won't have it. In working out how to operate the best, we positioned the building like this because for one reason we wanted to stay far off the easement area. We could move the building over 15 feet, but I don't feel comfortable being that close to the new sewer main and water lines.

Mr. Mullins-That is actually not the question though. You have the building facing Barber Road; Summit is also an easy access, why not face it?

Mr. O'Neil-Part of the reason is the way we have it set up is for the electrical signs and Summit Road is the easiest place to place our charging stations. It is basically a center where it has a spot for plug-ins for the signs to be plugged into it. We are trying to make it so we do not have to push these way out into the lot and control the cost of how much we are spending on those. When you get into those heavy electrical loads and the amounts of stuff that is there, it can start to encroach upon where we could store other stuff. Plus, from what I've been told, the plan is to abandon Summit Road in the near future or in the future anyways to not have it. Once that would happen, the setback would be moot point. I know it is not a 100% fact that it is going away, but that it is probably going to happen. At that point, that road will get split down the middle with half coming to our property and the other half going to the City of Norton; then there would be no setback issue. This setting is as much for, how would I say it, it is far more efficient to run everything this way; it really is.

Mr. Helmick-I have a question for Mr. Braman. Somewhere near Frashure Park Estates, when I was on Council, we put a sewer line to replace a station over there. Where does it come through here? I think it is on Barber Road.

Mr. Braman-If I am not mistaken, where he speaks of the main water lines, I believe one is a supply and one is a return. I think those are the only utilities that are there. I think that once we get on the other side of the street, I believe that is where the sewer lines are as they actually meet in the middle of the intersection.

Mr. Helmick-I thought that line came down Barber Road.

Mr. Braman-It may, but I think it is off of their property.

Mr. Smith-I am pretty sure when we looked that up, yes, it is right down the center.

Mr. Braman-That would make sense as it is right in the middle of the intersection on Wadsworth Road.

Mr. Helmick-I just wanted everyone to know there was a sanitary sewer system within that complex.

Mr. Braman-And just to add to the information on the position of that building, it also assists them with probably easier access as far as being able to move some bigger trucks in and out of there. They have like a model system that we would like everybody to go through. They actually have a real plan for everything: traffic, parking, gates, fence and it has been a pleasure working with them. They have a good plan and we are real anxious to add them to our City.

Mr. Helmick-It would be nice to have another lane out over there.

Mr. Braman-We have actually had brief talks with them about Summit behind them as it is a cost thing to the City to maintain it and it is so close to the creek. I think you all know we just want to stay away from that creek as much as we can. We have some things we can talk to them about the intersection at Summit and Barber that would assist us in moving forward with that. I has been in discussion with them as well as the previous owner.

Chairman Helmick stated that having heard the testimony of the applicant is 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.

Chairman Helmick asked a second time if there was anyone present wanting to speak for or against the application?

Mr. Gainer-I would like to speak in favor of it as I am familiar with of some of this. I agree with some of what Mr. Braman said. I believe there are some plans for that area and feel they would be a good company to work with so I would be 100% in favor of it.

Chairman Helmick stated that having heard the testimony of the applicant is 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.

Chairman Helmick asked a second time if there was anyone present wanting to speak for or against the application?

Chairman Helmick asked for the third and final time if there was anyone present wishing to speak for or against the application? Hearing none, and everyone present being given the opportunity to speak at the public hearing, I now declare the fact finding portion of this hearing closed. At this time, the Board will discuss the application and may ask additional questions of the applicant until a decision is reached.

Chairman Helmick opened it up the Board for comments.

Mr. Welch-We are talking 13 feet as the difference here. Given the fact, although we cannot count it as Summit Road not being there, I do not see 13 feet being a major hindrance to our zoning. It is not infringing upon anything as Barber is probably the heavier traveled. I would be in favor of this and would make a motion to grant them the variance to ease the restriction as far as the setback.

Mr. Mullins seconded the motion.

Chairman Helmick called for a vote on the motion:



**For:**

X 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 4-0 The variance application has been approved.**

Chairman Helmick declared the hearing closed and they could get the information needed to move ahead from Mr. Braman.

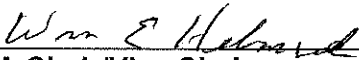
**IV. OLD BUSINESS:** None

**V. NEW BUSINESS:** None

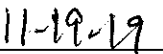
**VI. APPROVAL OF MINUTES:** None

**ADJOURN:**

Meeting adjourned at 6:34PM.

  
\_\_\_\_\_  
BZA Chair/Vice Chair

  
\_\_\_\_\_  
BZA Vice Chair/ Member

  
\_\_\_\_\_  
Date

Minutes recorded by Shannon Szittai