

City of Norton
BOARD OF ZONING & BUILDING APPEALS
July 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 Sandy Chrisant
X Andrew Mullins X Nick Genis

EXCUSED:

Donald Welch Bill Helmick X Sandy Chrisant
Andrew Mullins Nick Genis

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

II. SWEARING IN:

Chairman Helmick called the meeting to order and 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 at 6:04 on BZA Application A8-2019 for PN #4608761 and stated it was requesting a variance to section 1296.03 (2) of the Code for obtaining additional property for building additional footage on property. 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. Jennie Lester and Jeremy Lester, owners, 4226 S. Hametown Rd., Norton, were sworn in:

- A. BZA Application A8-2019
Jeremy and Jennie Lester– Owner
4226 S. Hametown Rd.
PPN # 4608761
[A Variance for 1296.03 (2) additional square footage.]

Ms. Lester- We would like to build an additional storage building behind our current detached garage to store our lawn equipment and eventually pool equipment. We have an attached, three car garage in front and we have 2 children; we all have vehicles so there is no room for the equipment. We would also like to block the view to the neighbors next door as they store more and more trash back there which would help with the addition being built long ways on the property.

Mr. Lester- It is really just for the additional storage. We had built a larger garage when we first got the house, but with our motorcycles, the truck, the lift and air compressor it is just filled. Where we cleared the trees it kind of exposed the neighbor's backyard. He doesn't have trash; it's just storage and the building would dress it up a little.

Mr. Welch – On your garage, do you have a man door on the outside edge facing towards your septic tank?

And you plan to have a man door on the new structure on the left hand side if you are facing the structure, is that correct? Have you thought about tying those two together like a slight breezeway?

Mr. Lester – Yes, on the man doors. He had not thought of tying the two garages together as he would like to build the new building himself and use the same siding he used on his house. The garage he has now is a pole barn and is steel sided; there really isn't any good way to attach to that building.

Mr. Welch – The garage attached to your house is a pole barn building?

Mr. Lester – No, not the one attached to the house; the small one is.

Mr. Genis – How large is the lot; is it 1.8 acres?

Mr. Lester – 1.42 acres.

Mr. Genis – The existing garage is 1280 so it is in accordance with the Code, which is 1280. If it were two acres, then it would be 1728, so you are short of two acres. So you are basically asking for 308 square feet over the zoning requirement.

Mr. Welch – That's the size of the other building.

Mr. Genis – The septic system is well out of the way of the first building.

Mr. Lester – We placed the septic in a pretty good location overall for usage of the entire yard. If there were a breezeway to tie it together, it would affect accessing the septic.

Mr. Genis – The distance from the adjoining property requirement is met and the location will obscure it.

Mr. Welch – Where do the existing garage downspouts run to and will the back ones be attached to that?

Mr. Lester – It runs all the way to the front ditch and he left a stub in the ground to connect into.

Chairman Helmick asked if anyone else on the Board had any more questions? There were none.

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.

Robert Youngblood, 4242 S. Hametown Road, approached the podium and was sworn in.

Mr. Youngblood -- I am directly south of where the building would be and the only one that would see it. I agree that the neighbor to the north side is not all that good looking and it would help close off the view. The one concern he had was the downspouts, which you addressed, as he gets a lot of water coming down from the higher property and with the downspouts going to the street would really help. So he is in favor of this

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?

Chairman Helmick declared the hearing session over with and now the Board would discuss the application and make a decision.

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

Mr. Mullins stated he had a concern with increasing the size of these things on properties is due to the water runoff that affects neighbors. He says he has the downspouts and things that will help alleviate that.

Mr. Genis stated he felt that the rainwater would have been on the ground and now that it would be diverted it would lessen it.

Mr. Mullins responded that it could be more if not diverted but since he has the downspouts it would likely divert it. It's just that this town has had so many issues with flooding.

Mr. Genis explained that water runoff calculations they factor in solid surfaces and grass; he felt there was a distance to the neighbors as well so did not see an issue with it and he is a stickler on runoff as well.

Chairman Helmick asked for a motion if there were no further comments.

Mr. Welch stated I will make a motion to approve BZA Application A8-2019 as presented tonight with the restrictions (1) that all downspouts must flow towards the front of the street; (2) no further out buildings will be permitted; (3) necessary steps will be taken by the homeowner to minimize any water flow to the back of the property so as to not causing potential damage to homeowners on either side or behind. Mr. Mullins seconded.

Chairman Helmick called for a vote on the motion:

For:

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

Against:

Donald Welch	Bill Helmick	Sandy Chrisant
Andrew Mullins	Nick Genis	

Motion Passed 4-0 The variance application has been approved.

Mr. Braman stated they can come in tomorrow morning after 10 AM and get their zoning permit for \$40 although they may have to follow up with Barberton for the building permit and they will advise them after that point.

Chairman Helmick closed the hearing on Application A8-2019.

Chairman Helmick called the hearing open on BZA Application A9-2019 for PPN 4605683 and 4603762 requesting a variance to section 1296.03 (2) of the Code for additional square footage. 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 McKee, 4224 Tapper Rd., Norton, was sworn in:

B. BZA Application A9-2019
David McKee – Owner
4224 Tapper Rd.
PPN # 4605683 and 4603762
[A Variance for 1296.03 (2) additional square footage.]

Mr. McKee- Presented additional photographs to the Board and stated the larger one was rendering of what the proposed project would look like and the others were pieces of equipment that he builds in his garage. He was born and raised at the address and has wanted to build this building for a long time to continue to build equipment. He also has a couple of one ton trucks, a camper, lawn and garden equipment; he just needs a larger building to store his equipment and tools in. He has an unattached 22 x 22 garage that is

filled with his many tools and pieces of equipment. He had spoken to his neighbors before even submitting the application and none of them had any objections so he applied for the application. The property is up against Silver Creek Park so its effect would be minimal and it is well secluded as you can see. It would greatly improve his life if he could actually use his garage to store his car in.

Mr. Mullins- You have a lot of these temporary buildings and what would happen to those?

Mr. McKee – The intent is to take them down and sell them.

Mr. Genis – How large are those black tunnels?

Mr. McKee – One is 20 x 10 and one is 24 x 10.

Mr. Genis – There is another structure that would be in front of the new structure. Is that a building?

Mr. McKee– That was a shed that my step father built many years ago. It has since been torn down and is no longer there. At this time, my camper is sitting there.

Mr. Mullins – What is the size of your property?

Mr. McKee – I believe both lots are .94 acres in total.

Mr. Mullins -- Is one lot completely undeveloped?

Mr. McKee – That is correct. My hope is that at some point in the future my son can build a house on that lot.

Mr. Mullins – You are not building this on the empty lot, you are building it on the lot that has your house, right? Or are you building it on the adjacent property?

Mr. McKee – That is correct; on the empty lot.

Mr. Genis – You are allowed 1,008 feet on a lot and since it is vacant he is permitted to put 1,008 square feet on it, but he is over that; he is 680.

Mr. McKee– Actually I would question the number that you gave me in terms of square footage; my request is to build a 30 x 56 building.

Mr. Welch – So that's 1,680 square feet. So you are over by 672 square feet.

There was discussion on the issue of the applicant's son building a house on that same lot in the future and it was decided that the house has to come first before an outbuilding.

Mr. Genis – Mr. Braman, there are two lots and on the empty lot the applicant is building the building. He is allowed to put 1,008 square foot on that one lot. However, on the other lot, he is removing 440. It is two separate lots and maybe a home later. What is the rule?

Mr. Braman – It is a gray area, but you are supposed to have a home before a building. I don't remember the measurements of that lot, but I believe that lot was a little small for a home so I don't think under our current zoning.

Mr. McKee – It is .64 acres.

Mr. Genis – Roughly, rounding it off, he didn't think a house could go there.

Mr. Braman – As the parcels were not joined together for one property tax, it is considered two properties.

Mr. Gainer – Jack Gainer, 3920 Wadsworth Road, Norton, OH. If you have a lot and it's considered too small to put a septic system on, it would increase the value of the property and the taxes on it so he feels it better,

if he is willing to invest the money, to have the building and not have to mow it.

Mr. Welch – Mr. McKee, would you be willing to join the two parcels given the scenario that it will not be buildable?

Mr. Braman – What benefit would that have to him or us as a City?

Mr. Welch -- For one thing, we cannot put a garage on a lot without a house and that is a separate issue than what is being asked for right now. I am thinking if we made it one property, we don't have to have that house there for the proposed building and even though the property is small he can put a 1,008 square foot building without a variance and would only need a variance for 672 square feet.

Mr. Genis -- Let's say he had a house there and he then wanted a 200 square foot variance versus a 680 for a garage; is that more palatable.

Mr. Mullins – If he made it smaller, he would only be able to get the camper in.

Mr. Genis – Do you have a separate vehicle to pull the camper that would go in there also?

Mr. McKee – Yes, I have a 2004 truck and it was his intent to put them both in there together. It seems unrealistic that Norton City Council passes regulations regarding everything has to be in a building and then gives you no way to do so. It is frustrating as a homeowner.

Mr. Mullins – It doesn't have to be in a building; it just needs to be in back of your building or in line.

Mr. McKee – Both my one ton trucks do.

Mr. Mullins – Oh yes, your trucks do.

Mr. Welch – In fairness, that is not totally true, as you could build a 1,008 square foot building easily. You are asking for a larger building than is normally allowed. In fairness, you need to look at both sides.

Mr. Genis – You could treat both lots separate; you could put a 1,008 building on the vacant lot and then put an addition to your existing garage for another 640.

Mr. Mullins – I don't think it would house it all.

Mr. McKee --There is no building allowed within the Code that would house all his equipment let alone give him room to do anything for his hobbies.

Mr. Braman – It is kind of unreasonable to ask him to build a home before the garage as the lot doesn't qualify for a home. So if, when looking at this, he has a lot of extra things such as canopies and structures; when looking at the size of the barn he wants to build he believes those other structures would not impact us this much if he sold the lot. Perhaps we could ask for some of those other structures to come down. He is over now, but he is trying to protect his stuff.

Mr. McKee – I have spent an enormous amount of time and money fixing the place up compared to what it was when he inherited.

Mr. Braman – If you join the properties together, it is a benefit financially for tax purposes.

Chairman Helmick asked if anyone else on the Board had any more questions? There were none.

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.

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?

Chairman Helmick declared the hearing session over with and now the Board would discuss the application and make a decision.

Mr. Genis -- I think logically, the two lots are going to stay together and his son will have the problem with the house. In the spirit of things, it's kind of like one lot. After doing the math as such, we could approve a variance of 232 square feet on the basis of the lots being combined for the reason it remains in the family. It is borderline but that is what would be needed for going over the limit. In the real world, he doesn't believe the lots will be separated. I am proposing that we approve however he has to remove 340 square feet of the existing buildings, which are the two black things he has on there.

Mr. Welch – You are not advocating joining the two lots. So if down the road a new buyer comes in buys both lots and then sells a lot for storage to someone or a company because they have two separate parcels.

Mr. Mullins – What is wrong with that?

Mr. Helmick – It only becomes an agreement then when the two buildings come down.

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

Mr. Mullins stated I will make a motion to approve BZA Application A9-2019 as presented tonight with the stipulation that all temporary buildings are removed from the lot. Mr. Genis seconded.

Chairman Helmick called for a vote on the motion:

For:

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

Against:

Donald Welch	Bill Helmick	Sandy Chrisant
Andrew Mullins	Nick Genis	

Motion Passed 4-0 The variance application has been approved.

Mr. Braman stated they can come in tomorrow morning after 10 AM to get their zoning permit.

Chairman Helmick closed the hearing on Application A9-2019.

VI. APPROVAL OF MINUTES:

Chairman Helmick asked if anyone had an objections to the minutes submitted for March 19, 2019. Mr. Welch made a motion to approve the minutes as submitted with Mr. Mullins seconding. The vote was unanimous to approve.

Mr. Braman shared he has nothing on his agenda as coming up for a future meeting at this time.

ADJOURN:

Meeting adjourned at 7:00 PM.

William E. Halmsick
BZA Chair/Vice Chair

Joseph Ch...f
BZA Vice Chair/ Member

11-11-19
Date

Minutes recorded by Shannon Szittai