

**City of Norton**  
**BOARD OF ZONING & BUILDING APPEALS**  
**Wednesday, January 19, 2011**

The Board of Zoning & Building Appeals convened in Council Chambers at the Safety Administration Building. Acting Chairman Bill Helmick called the meeting to order at 6:00 p.m.

**I. ATTENDANCE:**

**PRESENT:** Dan Grether, Bill Helmick, Don Welch, and Tom Ocepek

**EXCUSED:** Nick Genis and Angie Wells

**STAFF:** Russ Arters, Supt. of Building and Zoning

**II. SWEARING IN:** Chairman Helmick reviewed the procedural requirements for this hearing. Chairman Helmick stated that this is a quasi-judicial Board and advised that there were normally five members on the Board, but that there were only four members that evening. He explained with one less member that one negative vote would be an automatic turn down. He asked if any one wanted to delay their application to the next meeting, they had that right; no one did. He asked that anyone wanting to speak to sign the attendance sheet and stand to be sworn in. Chairman Helmick administered the oath to those intending to speak at the hearing.

**III. PUBLIC HEARINGS:**

- A.) **Application A7-2010**  
**Englefield Oil Company, owner**  
**Regarding the property known as:**  
**3650 Wadsworth Road/PPN 4605549**  
**Requesting a Variance from**  
**Sections 1289.06(2)(b) and 1289.06(2)(d)**  
**[Allowing for new signs in present locations**  
**which exceed the current zoning allowances**

Chairman Helmick announced the application and stated the application was filed on Monday, January 3, 2011, and letters of notification were sent via first class mail, as required, per section 6.03 of the City Charter. Chairman Helmick asked the applicant(s) to come forward and present the request.

Roger Kessler of Kessler Sign Company and John Gordon of Englefield Oil Company came to the podium.

Mr. Gordon said they want to take the current Duke and Duchess (gas) station on Wadsworth Road and turn it in to a BP location that would be similar to the one they did earlier down the street. They want to install a new price sign at the same height of the sign that is currently there, with a pole cover and with a LED lighted gas price. They have a sign on St. Rt. 21 that currently has Duke and Duchess on it and want to change it to a BP sign that would be skinnier than the current sign. They want to change the wrap around canopy from yellow and black to a helius/starburst that would have to be illuminated with a thin strip of green LED lighting. They would change out the faces of the same dispensers with new graphics. They would not be adding any dispensers; basically it would just be a face-lift.

Chairman Helmick asked the members if they had any questions.

Mr. Dan Grether asked about the time line for completion. Mr. Gordon said it takes about one week or five days.

Members Tom Ocepek and Don Welch discussed the lighting, the width and size of the sign used for BP. Mr. Gordon said it was a standardized product of BP.

Discussion was had about the maintenance to the pavement. They will re-asphalt this summer to upgrade the whole location, but will not change the ingress/egress locations.

The Chairman asked that the applicant show the residents in the audience the sign that will be on St Rt. 21; he did so.

The Chairman asked if the Board had any more questions.

A discussion was had that it would be under the same ownership but have a different product. The Duchess shop inside would still sell the same items, but the dispensers would have BP products.

The Chairman asked if anyone wanted to speak for the application; no one spoke.

The Chairman asked for a second time if anyone wanted to speak for the application; no one spoke.

The Chairman asked for the third and last time if anyone wanted to speak for the application; no one spoke.

The Chairman asked if anyone wanted to speak against the application; no one spoke.

The Chairman asked for a second time if anyone wanted to speak against the application; no one spoke.

The Chairman asked for the third and last time if anyone wanted to speak against the application; no one spoke.

The Board recessed to discuss the application.

The Board reconvened and Chairman Helmick asked Mr. Russ Arters, Superintendent of Building and Zoning for any comment. Mr. Arters said if anything, it is probably an improvement to the site with less area.

Chairman Helmick asked for a motion. **Mr. Grether made a motion to approve Variance A7-2010 from Sections 1289.06(2)(b) and 1289.06(2)(d), Englefield Oil Company, owner regarding the property known as 3650 Wadsworth Road/PPN 4605549, to allow with the following conditions: approval of both signs as proposed, including the 18 ft high sign and 55 ft sign. The signage will bring consistency to the BP Station in Norton and will improve the aesthetics of the property. Any changes from this application would need re-approval. The Motion was seconded by Mr. Don Welch. ROLL CALL: Mr. Grether-Yes; Mr. Welch-Yes; Mr. Ocepek-Yes; and Mr. Helmick-Yes. Motion passed 4-0.**

The Chairman thanked the applicant and Mr. Russ Arters told applicant to see him Friday for permit.

**B.) BZA Application HO4-2010  
3949 Harper Rd./PPN 4602281  
Robert and Cathy Wheatcraft, owners  
Requesting a Type B Home Occupation  
to operate a mechanic shop from their garage**

Chairman Helmick announced the application and stated the application was filed on Monday, December 27, 2010, and letters of notification were sent via first class mail, as required, per section 6.03 of the City Charter. Chairman Helmick asked the applicants to come forward and present the request.

Robert and Cathy Wheatcraft, owners of 3949 Harper Road in Norton, Ohio stepped to the podium. Mr. Wheatcraft said they were applying for a home business to operate a mechanic shop from their garage. Mr. Wheatcraft worked at Gary's Complete Auto, but it closed and he couldn't afford to buy it. He wants to start his own multiple services, working on 4 – 6 cars a day if possible. This is all he knows; it has been his livelihood. His wife works with the City School system, but they need to pay health care for their three children and this work would help them do that.

Chairman Helmick asked for any questions from the Board.

Mr. Grether asked for clarification of item 12 on the first page of his applications regarding the 4 – 6 cars on the property. He asked if they were customer vehicles or his own. Mr. Wheatcraft said he has 8 vehicles himself. Mr. Wheatcraft said he was thinking that he could have 4 – 6 customer cars with an example if 2 cars came in for an oil change that would only take half of a day. Mr. Grether asked if he had 8 self-owned vehicles and 6 customers that would be 14 cars on the premises at once. The applicants explained how many cars, trucks, dump trucks etc he has, and that 3 of the vehicles are in the garage at all times, and the dump truck is behind the truck garage. The applicant said he had photos. He commented that the garages do shelter noise. He said his neighbor John Bolender on Swain Drive, lets him store his items there also. The applicants stated that they are not going to advertise and will have no dumpster there; it would just be people they know or by word of mouth for customers.

Mr. Grether asked how old the building was and applicant replied 4 – 5 years old.

Mr. Ocepek asked if the customer vehicles would be stored overnight and did it have it's own driveway. The applicant said they would be garaged depending on waiting for a part etc., with plenty of room behind the garage. He doesn't want his property looking trashy; he keeps it well maintained. The applicant said that it has it's own driveway.

Chairman Helmick asked what the current use of the building was and he said it was a gathering place for him and his neighbors and they would work on their vehicles. Chairman Helmick asked if when he went before the Board at an earlier date, did he state that he would be using the building for that type of thing. Mr. Wheatcraft said that the Board advised if he was to use it for business purposes, that is when he would have to return to the BZA for a variance; that was why he was before them at this time.

Mr. Grether said the business seemed consistent with the neighborhood. He doesn't want it to look like a business with the amount of vehicles on site, but if they are under shelter he is ok with that. They discussed employees, and Mr. Wheatcraft said he has no plans for other employees.

Mr. Ocepek discussed the answer to number 16 on the application about oil. The applicant said there would be no holding of oil, no tanks for bulk oil or use as an oil replacement business. He would have just the oil from the oil changes. The applicant does carry business insurance.

Mr. Welch asked where the well and septic were located on the property. Mr. Wheatcraft said the well was directly behind the house in line with the patio. The septic is on the east side with 3 acres to filter.

Mr. Grether asked about frequency of the Snap-On truck visiting the property. Mr. Wheatcraft said it comes around noon for about 15 or 20 minutes and has been coming for about 2 years. He said he could meet him elsewhere in the City if it was a problem coming to his house.

Mr. Ocepek asked if there was enough room for the truck to turn around by the barn and Mr. Wheatcraft said yes.

Hours of operation, noise, and lighting were discussed. He will operate from 8:00AM to 3:00 PM or 8:00AM to 5:00 PM. He will not operate everyday, because it is not advertised. There is lighting by the barn and there is little noise as compared with traffic on St Rt. 21.

Chairman Helmick asked if Mr. Arters wanted to add any comments; he did not.

The Chairman asked if anyone wanted to speak for the application.

Mr. David Miller of 4013 Harper Avenue, Norton, Ohio, saw no problem with granting this application. He works on his car too and the property is well maintained; it doesn't look like a mechanics property. He is a good neighbor and always there to help.

Mr. Eric Rohner, 3977 Harper Avenue, Norton, Ohio, spoke for the application. He has been a neighbor for 13 years or so. He said there are hardly any cars he sees outside, none are on blocks, and said there is hardly any increased traffic.

Mr. Bryan Baker, 3946 Harper Avenue, Norton, Ohio, spoke for the application. He lives across the street and he said the property is spotless and very well maintained. He said there is no road traffic problems, no noise problems, and no potential for cars up on blocks. He is in favor of this and his bringing more tax base into the City.

Mr. Scott Phayth, 3986 Harper Ave, Norton, Ohio, spoke for the application. He lives catty-cornered to this property and as far as noise, he has Harleys and his buddies and he make more noise than the applicant ever would.

Mr. Tom Midriff of 4636 Kingston, Norton, Ohio, spoke for the application. He lives right behind Mr. Baker's property and as far as noise goes, St. Rt. 21 has more noise especially the trucks at 3:00 AM. He has no complaints, and thinks it is a good thing for the City.

Mr. Bob Wilkinson, 4014 Harper Avenue, Norton, Ohio, spoke for the application. He said he was speaking for himself, his father-in-law and mother-in-law that are in their 80's, that could not attend the meeting. They have no problems with the neighbor, his property is beautiful, and anything he does he takes care of. He has no concerns about traffic; his wife walks the dog on the roadway everyday with no problems.

Ms. Mary Horvath, 4004 Harper, Norton, Ohio, spoke for the application. She has a 9-year-old, and he rides his bike on the roadway all the time, and there is no problem with traffic. They maintain their property very well. He is a good guy and good neighbor who has helped her husband numerous times mechanically.

Mr. Rob Miller 3989 Harper Avenue, Norton, Ohio, spoke for the application. He lives two doors up the street and commented what a nice neighbor he is and would like to see him make a go of the business.

Ms. Connie Clayton, has lived on Harper Avenue, Norton Ohio, for 28 years spoke for the application. She commented that the garbage truck was noisier and St. Rt. 21 is noisier than the applicant is. He doesn't bother anyone; he is a good neighbor.

Mr. Jamie Adams, 4586 Homer Street, Norton, Ohio, spoke for the application. His street T's off of Harper and he has been there 20 years and the applicant's garage is about 75 yards away. There is no noise, the loudest is St. Rt. 21 which everyone had said before. He has impeccable yard, good neighbor and would like to see him make a go of it.

Mr. William Shirey, 3945 Homer Street, Norton, Ohio, spoke for the application. He has been a great neighbor; his yard is impeccable. He is very helpful, and he is all for it.

The Chairman asked for a second time if anyone wanted to speak for the application; no one spoke.

The Chairman asked for the third and last time if anyone wanted to speak for the application; no one spoke

The Chairman asked if anyone wanted to speak against the application; no one spoke.

The Chairman asked for a second time if anyone wanted to speak against the application; no one spoke.

The Chairman asked for the third time if anyone wanted to speak against the application.

Mr. John Hastings 3925 Harper Avenue, Norton, Ohio, spoke against the application. He has no disagreement with and nothing against the applicant, but an Auto Repair business is zoned B-3. He said it is not a residential type of business, it relies on cars being delivered in and out, with tow trucks etc. To him a home occupation is non-intrusive to the area. He feels it does not mean that it is not cleaned up or anything and that is why he is against it.

The Chairman asked a final time if anyone wanted to speak against the application; no one spoke. The Chairman commended the neighbors for coming out to the meeting to express their beliefs.

The Board recessed to discuss the application.

The Board reconvened and Chairman Helmick asked for a motion. Mr. Welch made a motion to approve Application HO4-2010 regarding 3949 Harper Rd./PPN 4602281 for Robert and Cathy Wheatcraft, owners requesting a Type B Home Occupation to operate a mechanic shop from their garage, with the following conditions: 1. No long term storage of vehicles other than those of the applicant; 2. No storage of bulk oil and/or gas; 3. All scrap parts must be removed from the premises in a timely manner; 4. No additional employees other than the owner; and 5. This conditional use is not transferable. The Motion was seconded by Mr. Grether. ROLL CALL: Mr. Welch-Yes; Mr. Grether-Yes; Mr. Ocepek-Yes; and Mr. Helmick-Yes. Motion passed 4-0.

The Chairman thanked the applicants.

Mr. Arters explained to the Board that they just granted a motion for approval of a "conditional use" not a variance. Home occupation applications come to the Board for approval of a conditional use; therefore the record reflects that it is not a variance, but an approval of a conditional use.

**IV. OLD BUSINESS:** None

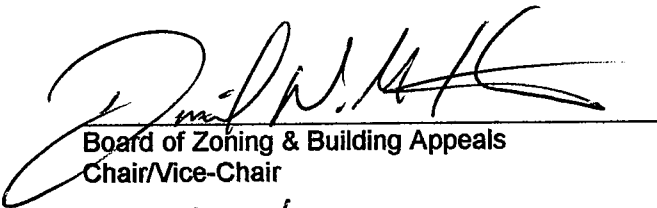
**V. NEW BUSINESS:** None

**VI. CONSIDERATION OF MINUTES:**

Chairman Helmick asked if there were any corrections to the minutes of November 16, 2010. There were none. Mr. Welch made a motion to approve the minutes as written. Mr. Ocepek seconded. ROLL CALL: Mr. Welch-Yes; Mr. Ocepek-Yes; Mr. Grether-Yes, and Mr. Helmick-Yes. Motion to approve passed 4-0.

**VII. ADJOURNMENT:**

There being no further business before the Board the meeting was adjourned at 7:03pm. The next scheduled meeting is February 15, 2011 at 6pm.

  
Board of Zoning & Building Appeals  
Chair/Vice-Chair

  
Board of Zoning & Building Appeals  
Vice-Chair/Member

9/27/2011  
Date

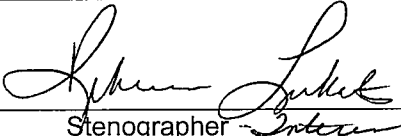
**BOARD OF ZONING & BUILDING APPEALS  
AUDIENCE ATTENDANCE RECORD**

The following individuals were present at the Meeting of the Board of Zoning & Building Appeals, held on **Wednesday, January 19, 2011.**

**PLEASE PRINT YOUR NAME CLEARLY**

**(PLEASE NOTE: P.O. BOX ADDRESSES ARE NOT PERMITTED)**

NAME:	STREET ADDRESS (NO PO BOX):	CITY & ZIP CODE:
<u>SCOTT PLYMOUTH</u>	<u>3986 HARPER AV.</u>	<u>NORTON OH 44203</u>
<u>Tom M... ..</u>	<u>4636 Kingston</u>	<u>Norton 44203</u>
<u>William Shurey</u>	<u>4580 Homer St</u>	<u>Norton Ohio</u>
<u>Janice Adams</u>	<u>4586 Homer St</u>	<u>Norton Oh</u>
<u>Bob Wilkinson</u>	<u>4014 Harper Ave</u>	<u>Norton Oh</u>
<u>Cathy Wheatcraft</u>	<u>3949 Harper Ave</u>	<u>Norton Ohio</u>
<u>Pauline Clayton</u>	<u>3958 Harper ave</u>	<u>Norton Oh</u>
<u>Robert Wheatcraft</u>	<u>3949 Harper Ave</u>	<u>Norton OH</u>
<u>BRYAN BAKER</u>	<u>3946 Harper Ave</u>	<u>Norton, OH</u>
<u>Carla Rohner</u>	<u>3977 Harper Ave</u>	<u>Norton OH</u>
<u>Eric Rohner</u>	<u>3977 Harper Ave</u>	<u>Norton, OH</u>

Signed:   
Stenographer

SEE  
OVER.

James Hart 3997 Bushey Norton OH

John Gordon 447 James Parkway Englewood Oil  
Heath, Ohio 43056

Rodger Kessler 170 Pinelhurst Dr. Conawville OH

~~John L. Hart~~ 3925 Harper Ave Norton

Robert Lusk  
Interim Stenographer

1-19-11

**RESOLUTION**  
**BOARD OF ZONING & BUILDING APPEALS**

Wednesday, January 19, 2011

BZA RESOLUTION NO.: 1-2011

**BZA Application A7-2010**  
**Englefield Oil Company, owner**  
**Regarding the property known as:**  
**3650 Wadsworth Road/PPN 4605549**  
**Requesting a Variance from**  
**Sections 1289.06(2)(b) and 1289.06(2)(d)**  
**[Allowing for new signs in present locations which**  
**exceed the current zoning allowances]**

The Board finds that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure. True  False

The Board shall further make the finding that the granting of the variance will be in harmony with the general purpose and intent of the ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. True  False

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with the ordinance as provided by Section 1254.04(c)(1F2) of the Codified Ordinances of the City of Norton, Ohio.

The following conditions and safeguards are hereby made a part of the requested variance:

THE BOARD WILL APPROVE BOTH SIGNS AS PROPOSED, INCLUDING  
THE 18 FT. HIGH SIGN AND 55 FT. SIGN. THE SIGNAGE  
WILL BRING CONSISTENCY TO THE BP STATIONS IN NORTON  
AND WILL IMPROVE THE AESTHETICS OF THE PROPERTY.  
ANY CHANGES FROM THIS APPLICATION WOULD NEED RE-APPROVAL,

Vote on Motion: FOR 4 AGAINST 0 ABSTAIN 0

Therefore BZA Application A7-2010, requesting a Variance is hereby:

GRANTED  DENIED  TABLED

This resolution shall be sent to:  
Administration for  action or  information, and Council for their  action or  information.

Walter Helmick  
Board of Zoning & Building Appeals  
Chair/Vice-Chair  
1/19/2011  
Date

Paul W. Hill 1-19-11  
Board of Zoning & Building Appeals  
Vice-Chair/Member  
Shirley Lukats 1/19/2011  
Secretary Interim Date

**RESOLUTION**  
**BOARD OF ZONING & BUILDING APPEALS**

Wednesday, January 19, 2011

BZA RESOLUTION NO. 2-2011:

**BZA Application H04-2010**  
**Robert and Cathy Wheatcraft, owners**  
**3949 Harper Rd./PPN 4602281**  
**Requesting a Type B Home Occupation**  
**to operate a mechanic's business from**  
**their garage at the above address.**

The Board finds that the reasons set forth in the application justify the Approval of the Home Occupation Permit.  Yes  No

A motion is made to  Grant  Deny the Application request and the following reasons are hereby made to support the decision of the Board: With the following conditions:

1. No long term storage of vehicles other than those of the applicant.
2. No storage of bulk oil and/or gas.
3. All scrap parts must be removed from the premises in a timely manner.
4. No additional employees other than the owner.
5. This conditional use is not transferrable.

Vote on Motion: FOR 4 AGAINST 0 ABSTAIN 0

Therefore BZA Application HO4-2010, Home Occupation Permit to allow a Type B Home Occupation Permit to operate a mechanic's business from their garage at the above address, is hereby:

GRANTED  DENIED  TABLED

This resolution shall be sent to: Administration for  action or  information, and Council for their  action or  information.

Wm E. Helmsick  
Board of Zoning & Building Appeals  
Chair/Vice-Chair

[Signature]  
Board of Zoning & Building Appeals  
Vice-Chair/Member

1/19/2011  
Date

[Signature] 1/19/2011  
Secretary - Interim Date