

**City of Norton**  
**BOARD OF ZONING & BUILDING APPEALS**  
**TUESDAY, FEBRUARY 7, 2006**

The Board of Zoning & Building Appeals convened for a public hearing in Council's Chambers of the Safety Administration Building. Chairman John Campbell called the meeting to order at 6:00 p.m.

**ROLL CALL:**

**PRESENT:** John Campbell, Richard Easterling, Todd Bergstrom, Nick Genis

**ABSENT:** Terence Judge

**ALSO PRESENT:** Jeff Pritchard, Director of Planning and Community Development  
Colene Conley, Building & Zoning Inspector  
Mike Lyons, Law Director

**SWEARING IN:**

There was no one present in the audience.

**PUBLIC HEARINGS:**

None.

**OLD BUSINESS:**

**A.) Revisit BZA Application A5-2003; Discussion regarding the Conditional Variance-Number of horses allowed:**  
Chairman Campbell asked Ms. Colene Conley to begin the discussion regarding BZA Application A5-2003. She informed the Board that this application pertained to a property on Berry Road, which is zoned R-3. Mr. Richard Barlow, owns the property and was using a detached garage to house two horses. He requested and received a variance to build a barn. The concern is that Mr. Barlow now has three horses and a neighbor to the west of him contacted the Building Department complaining of an odor from the barn. Mr. Ed Wood, Environmental Sanitarian for the Barberton Health District, investigated the matter and found no odor and nothing worth complaint. She said that the minutes from the Board of Zoning and Building Appeals meeting of March 18, 2003, state that Mr. Barlow testified to the Board that he had no plans to bring any more horses onto the property. Mr. Mike Lyons asked if the request in the application was specific in regards to horses. Ms. Conley said no. She said the applicant's request was to build a barn.

Mr. Lyons wondered how many acres were required to keep horses. Ms. Conley said at least one acre. He wondered if the City of Norton Zoning Codes specifies a limit on the number of horses permitted on one or more acres. She said no.

Mr. Jeff Pritchard stated that keeping horses was considered animal husbandry and is not permitted in an R-3 district no matter how many acres are involved. Mr. Richard Easterling interjected that Mr. Barlow only had 0.7 acres. After further discussion, the Board agreed that the only stipulation on the approval of the conditional variance was that it only applied to the current property owner, Mr. Barlow.

Mr. Campbell believed that the applicant's statement, under oath, set his limitations. Mr. Easterling commented that an applicant's testimony is given to help the Board make their decision. After discussion, the Board agreed that the decision to approve the conditional variance was based in part on Mr. Barlow's testimony.

Mr. Lyons suggested that the next step would be for the Building Department to inform Mr. Barlow that he needs to remove one of the horses or file for another variance. He added that there would need to be a definite time limit given for the remedy so that the situation is not prolonged. Mr. Campbell suggested that a copy of the minutes be sent to Mr. Barlow highlighting the section of his testimony in which he states that he would not have any more than two horses. Ms. Conley added that she would also send a copy to the neighbor who complained.

There was further discussion and Mr. Lyons suggested that for future reference, the Board's resolutions should be more explicit in regards to items such as the number of horses permitted on a property.

**3720 Alberta Drive:**

Mr. Campbell asked Ms. Conley if additional unlicensed vehicles were removed from 3720 Alberta Drive. She said yes. He commented that the property's appearance was improving.

**Comprehensive Plan Citizens Working Group:**

Mr. Pritchard announced that there was a Comprehensive Plan Citizens Working Group meeting scheduled for Saturday, February 25, 2006, from 9:00 a.m. to 1:00 p.m. in the Community Center Ballroom. He invited the Board members to attend.

**Legal Discussion Regarding Past Applications:**

At this point in the meeting, the Board had legal discussion with Mr. Lyons regarding past applications that have come before the Board. Mr. Lyons informed the Board that he would be available to them for any questions, even during their hearings.

**NEW BUSINESS:**

**Election of Officers:**

**Chairperson:**

The Secretary called for nominations for Chairperson. Mr. Easterling nominated Mr. Campbell to be re-elected as Chairperson. Chairman Campbell reported that his second full three-year term would expire February 28, 2006. The Board thanked him for his service to the Board. Ms. Conley presented Mr. Campbell with a thank you card and stated that she prepared refreshments for after the meeting in honor of Mr. Campbell. Mr. Easterling then withdrew his nomination.

Mr. Campbell nominated to elect Mr. Easterling as Chairperson. With no other nominations for Chairperson, the Secretary called for a motion from the Board. **Mr. Campbell moved to elect Mr. Easterling as Chairperson; seconded by Mr. Todd Bergstrom. ROLL CALL: Mr. Campbell-Yea, Mr. Bergstrom-Yea, Mr. Nick Genis-Yea, Mr. Easterling-Yea. The motion passed 4-0, electing Mr. Easterling as Chairperson.**

**Vice-Chairperson:**

The Secretary called for nominations for Vice-Chairperson. Mr. Easterling nominated to elect Mr. Bergstrom as Vice-Chairperson. With no other nominations for Vice-Chairperson, the Secretary called for a motion from the Board.

**Mr. Easterling moved to elect Mr. Bergstrom as Vice-Chairperson; seconded by Mr. Campbell. ROLL CALL: Mr. Easterling-Yea, Mr. Campbell-Yea, Mr. Bergstrom-Yea, Mr. Genis-Yea. The motion passed 4-0, electing Mr. Bergstrom as Vice-Chairperson.**

The Board members wondered if anyone had been chosen to fill the soon to be vacant seat on the Board. The Secretary stated that the Mayor was still interviewing applicants to fill the position.

**2006 Planning and Zoning Commissioner Workshop:**

The Secretary announced that a 2006 Planning and Zoning Commissioner Workshop was scheduled for Friday, April 7, 2006, from 8:00 a.m. to 4:00 p.m. at the Greystone Hall in Akron. She said that she did not know the exact cost of the workshop, but there should be funds available for one member to attend. The Board asked her to send them more information when she received it. She said she would.

**City of Norton Zoning Maps:**

Mr. Bergstrom wondered if there was a City of Norton Zoning Map available for his use. Mr. Pritchard and Ms. Conley stated that the zoning map was in the process of being updated.

**Rental Properties in Norton:**

Mr. Bergstrom stated that there was a 'For Rent' sign in front of a house in his neighborhood. He inquired as to if property owners were permitted to rent their houses in Norton. Ms. Conley said yes.

**CONSIDERATION OF MINUTES:**

The Board reviewed the minutes of their Tuesday, November 15, 2005, meeting. Chairman Campbell called for a motion. **Mr. Easterling moved to approve the minutes as submitted; seconded by Mr. Bergstrom. ROLL CALL: Mr. Easterling-Yea, Mr. Bergstrom-Yea, Mr. Genis-Yea, Mr. Campbell-Yea. The motion passed 4-0, approving the minutes as submitted. They were signed and processed accordingly.**

Chairman Campbell asked the Secretary if there were any applications pending; she said none at this time. He noted that the next meeting was scheduled for Tuesday, March 21, 2006, at 6:00 p.m. There was no further business to come before the Board, so Chairman Campbell adjourned the meeting at 6:43 p.m.

  
Board of Zoning & Building Appeals ~~Chair/Vice Chair~~

  
Board of Zoning & Building Appeals ~~Vice-Chair/Member~~

3.21.06  
Date