

City of Norton
BOARD OF ZONING & BUILDING APPEALS
Tuesday, June 20, 2006

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

I. ATTENDANCE:

PRESENT: Richard Easterling, Todd Bergstrom, Nick Genis, William Helmick

ABSENT: Terence Judge

ALSO PRESENT: Jeff Pritchard, Dir. of Planning & Community Development
Mike Lyons, Law Director

II. SWEARING IN:

Chairman Easterling announced that item 'A' on the agenda was a continued hearing from the May 16, 2006, meeting on this application. He stated that anyone who was present and spoke at that hearing in regards to BZA Application A6-2006, was already sworn in and still under oath. He explained that since the Board of Zoning & Building Appeals is a quasi-judicial board, anyone else wanting to speak at the hearing would have to be sworn in. He asked them to stand, raise their right hand, and repeat after him, "I solemnly swear to tell the truth, the whole truth, and nothing but the truth so help me God."

III. PUBLIC HEARINGS:

After discussion, the Board decided that since the Law Director was not yet present, and they needed legal advise for item 'A' on the agenda, they would move out of order and consider item 'B' first.

B.) BZA Application HO 1-2006:

3055 Oak Street/PPN 4607534

Charles & Laura Smith, Owners

Requesting a Type B Home Occupation Permit;

[To Operate a Hauling Service from a Single Family Residence in an R-1 District.]

Chairman Easterling convened the public hearing on BZA Application HO 1-2006, which was filed on Friday, May 26, 2006. He reported that the secretary sent notices via first-class mail at least ten days before the hearing as required by Section 6.03 of the Charter of the City of Norton, Ohio.

Chairman Easterling explained that Ordinance No. 48-2005, regarding Home Occupations was passed on June 27, 2005, and this was the first application for a home occupation to come before the Board. He then read aloud the two types of Home Occupations mentioned in the ordinance, Type A and B, and the portion that was relative to the application before them. (See attached.)

Chairman Easterling asked the applicants to step forward and present their opening statement.

Attorney Tom Walkley (agent), 4071 South Cleveland Massillon Road, Norton, Ohio 44203, approached the Board and stated that he was representing the applicants, who were in the audience that night. He explained that the applicants purchased the property of 3055 Oak Street in 1994 and substantially improved it. He stated that prior to that, they were located on Norton Avenue next to Charger Lanes. Mr. Walkley explained that Mr. Smith has operated an asphalt pavement business for years and come before the Board requesting the privilege to be able to operate it out of his home.

Chairman Easterling asked for any questions or comments from the Board.

Mr. Todd Bergstrom stated that according to the application, there were two trucks parked at the applicants' home on a regular basis and one of them is over the Load Limit of five tons stated in the Norton Codified Ordinance 440.01(c). He wondered if an alternate place would be more appropriate for storing the vehicles.

(Mr. Mike Lyons, Law Director, entered the meeting.)

Charles and Laura Smith (owners), 3055 Oak Street, Norton, Ohio 44203, approached the Board. Mr. Smith stated that renting a storage unit would be a hardship to him. If they parked it somewhere else, equipment is usually damaged or stolen. Mr. Smith added that when he lived on Norton Avenue, he came before the Board, requesting a variance approval to build his home on 3055 Oak Street. The Board told him it would be fine to park his equipment there. Mr. Smith added that he would not have built his home there if he would not have been told by the Board that it was fine.

Mr. Easterling asked for clarification regarding the prior variance. Mr. Smith said that they received a variance to situate their house catty-corner on the property. At that time he mentioned to the Board that he would be parking his trucks on his property and they said that would be fine. Mr. Smith explained that moving from Norton Avenue to Oak Street was a loss in property value. But he moved there because the Board said he could keep his equipment on site. Mr. Smith stated that if this Board denied him the home occupation permit, he would have to relocate. His main purpose was to keep his equipment with him to keep it safe. Mr. Easterling asked Mr. Smith when he applied for the first variance. He said it was in 1994, and that the Administration recently checked their records and it was not documented in the minutes or resolution that the Board said it was fine for him to keep his equipment on site.

Mrs. Smith said that they were under the belief that part of the variance they received in 1994 was to allow them to park their equipment on site. Upon checking the records, it was found that this portion of the conversation was not documented. She added that they have parked the equipment at their home on Oak Street since the variance was approved, which was 14 years ago, without complaint from the City or neighbors.

Mr. Genis asked what specific types of equipment were parked at their residence. Mr. Smith said there was a one-ton truck, a two-ton truck and a lowboy trailer on a truck. Mrs. Smith said they were parked on a gravel drive.

Mr. Jeff Pritchard mentioned that to his knowledge there had been no complaints to the City Administration regarding the equipment being parked at this residence. Ms. Colene Conley, former Building and Zoning Inspector, initiated contact with the applicants regarding this matter so that they would have a tool for home occupation. He also mentioned that he and Russ Arters, Superintendent of Building and Zoning, are concerned with the load limit for Norton, because it is not even adequate for the size of trash trucks, etc. that currently travel our roads. He said that Mr. Arters has requested the Law Director look at this situation.

Mr. Easterling was concerned that previous permission to park their equipment on their residence was given but not recorded. Mr. Pritchard said that if it was not properly documented it would be difficult to make a determination. Mr. Easterling asked the applicants if they understood that they were sworn in and that their testimony would have to be true. Mr. and Mrs. Smith said yes. Mr. Easterling asked if they were testifying that the Board in 1994, gave them permission to park their equipment at their residence. Mr. and Mrs. Smith said yes.

Mr. Bergstrom wondered if there was a record of the application submitted by Mr. and Mrs. Smith in 1994. Mr. Pritchard said yes, but the permission to park the equipment was not part of the application and was not documented on the resolution or the minutes. He said that it is the intent at this time to give an avenue for parking the equipment at their residence, no matter what was done in the past.

Mr. Tom Walkley said that they had received nine signatures from neighbors that are not concerned that the applicants park their equipment in their own driveway.

Mr. Genis wondered if a Home Occupation permit was specifically for the applicant for only as long as they are living at that specific residence and not for any future owners. Mr. Pritchard agreed.

There was discussion regarding conditions that the Board could include on the resolution pertaining to the future maintenance of the property in question. Mr. Lyons advised the Board the conditions that exist on the property could be included but inspections of the property would be an Administrative function. He stated, however, that the home occupation ordinance prohibits activity or impact outside of the dwelling. Therefore, anything else would have to be handled by the Administrative Department.

Chairman Easterling asked three times if anyone wanted to speak for or against the application; no one spoke.

Chairman Easterling announced that since there were only four of the five Board members present and any decision made had to be a vote of four, if the applicants wanted to continue the hearing on their application until the next meeting they could.

Attorney Christopher Judge with Walkley and Kennedy Co., LPA, 4071 South Cleveland Massillon Road, Norton, Ohio 44203, approached the Board and stated that the Board member absent tonight was his dad, Mr. Terence Judge. He explained that Mr. Judge would have to abstain his vote on this application if he were present since he was one of the agents for this application.

There was discussion regarding the type of equipment being specifically mentioned on the resolution. Mrs. Smith said that only thing that would change from the application is replacement of the current equipment with similar equipment. Mr. Lyons said that it would be appropriate action to specify the equipment being stored on the property in question so that there would be documentation for future reference. There was continued discussion and the Board decided that the applicant should make a specific list that would be attached to the resolution. Chairman Easterling announced the applicants would be given time to prepare a list of equipment to be stored at 3055 Oak Street and the hearing on this application would continue later that evening.

**A.) BZA Application A6-2006:
Glen & Joellen Hoffman, Owners
4162 Wadsworth Rd. PPN 4607519
Requesting a 120' Variance to Section 1266.04(b)-Area Requirements;
Minimum Lot Width of 220' in a RU-1 District
[To allow a 100' Frontage for a Future Lot Split.]
(This application was continued from the May 16, 2006, hearing.)**

Chairman Easterling continued the public hearing on BZA Application A6-2006, which was filed on Wednesday, April 19, 2006. He reported that the secretary sent notices via first-class mail at least ten days prior to that hearing as required by Section 6.03 of the Charter of the City of Norton, Ohio.

Chairman Easterling reminded the applicants and anyone that spoke at the last hearing, that they were still under oath because this was a continuation hearing. He asked the applicants to step forward.

Attorney Arthur Axner (agent), 80 South Summit Street, Akron, Ohio 44308, approached the Board and stated that he was representing the applicants, who were present in the audience.

Mr. Easterling stated that the Board requested Mr. Lyons be present for legal advice regarding this application because they had concerns with the proposed driveway. He asked Mr. Lyons if the Board approved the proposed lot width, would it include the proposed easement. Mr. Lyons said that it would not.

Mr. Axner said that he believed each Board member received a rough drawing of the proposed property that the applicants wanted to give to their son and daughter-in-law. This property consists of a 100' frontage with a 1,200' depth. He explained that the back half of the property is where their son wants to construct a new home. The applicants want to grant an easement along the west side of their property, where there is an existing lane, for access to the property in question. Mr. Axner continued by explaining that Mr. and Mrs. Hoffman purchased their property approximately six years ago from Mrs. Hoffman's parents who had owned it twenty-five years. The lane on the west side has been in existence for at least that long. The Hoffmans intend to enhance the property with the construction of the new home and the easement would remain with the property for any future owners. Mr. Axner stated that two surveys would have to be done, one for the property and one for the easement. The Hoffmans wanted assurance that their requested variance would be granted prior to having it surveyed because this would be costly.

Mr. Easterling stated that the driveway was not the issue the Board had to consider. The 100' frontage was the only issue before them. Mr. Lyons agreed.

Mr. Axner commented that constructing a 1,200' driveway on the proposed 100' frontage lot would prove to be very costly for the applicants and therefore would not be feasible.

Mr. Helmick said he was glad that Mr. Lyons was present for clarification to the Board. They assumed they had to make a decision on the driveway, but now they were focused on the correct issue.

Mr. Bergstrom stated that even though the easement was not part of the Board's consideration, he wondered if it could be made a permanent easement. Mr. Lyons said that the City would have to evaluate that situation, but they could probably request a continuation of easement.

Mr. Lyons stated that the code variance in front of the Board did not address easements, but frontage.

Mr. Axner said that the variance request was in conformity with most of the surrounding properties, because they had a 100' frontage. Mr. Pritchard clarified that the southside of Wadsworth Road was zoned RU-1, while the northside was zoned R-1.

Mr. Lyons stated that it is relevant to the Board's decision that there is a practicality to the use of a property, because a lot that is created needs to have the capacity to obtain access to it. He understood that the only obstacle to constructing an access on the proposed lot was the large expense.

Chairman Easterling asked three times if anyone present wanted to speak for or against the application; no one spoke. He then closed the public portion of the hearing to entertain a motion.

Chairman Easterling reconvened the hearing and Mr. Bergstrom asked Mr. Pritchard if he believed that a driveway could be constructed on the proposed lot. He said yes, even though there are fence lines there now for cattle.

Chairman Easterling extended the offer to the applicants that since there were only four members present they could choose to have their application continued to the next meeting. The applicants said they would accept the vote of the four members that night. Chairman Easterling called for a motion. **Mr. Genis moved to approve BZA Application A6-2006, regarding a 120 foot variance to Section 1260.04(b)-Area Requirements, to allow a 100 foot frontage in an RU-1 District for a proposed lot split, on the property known as 4162 Wadsworth Road/PPN 4607519 for the following reason(s): Lot width is similar to or the same as existing lot width in the immediate area. Mr. Helmick seconded the motion. ROLL CALL: Mr. Genis-Yea, Mr. Helmick-Yea, Mr. Bergstrom-Yea, Mr. Easterling-Yea. The motion passed 4-0, approving BZA Application A6-2006, by BZA Resolution No. 06-2006. The resolution was sent to the Administration and to Council for their information.**

Chairman Easterling thanked the applicant.

Since the applicants to item 'B' on the agenda were not yet ready with their list, the Board decided to move forward with item 'C'.

C.) BZA Application HO 2-2006:
3806 Shellhart Road/PPN 4604141

Robert Alloway, Owner

Requesting a Type B Home Occupation Permit;

[To Operate a Delivery Service from a Single Family Residence in an R-1 District.]

Chairman Easterling convened the public hearing on BZA Application HO 2-2006, which was filed on Monday, June 5, 2006. He reported that the secretary sent notices via first-class mail at least ten days prior to the hearing as required by Section 6.03 of the Charter of the City of Norton, Ohio. He asked the applicants to step forward and present his opening statement.

Mr. Robert Alloway (owner), 3806 Shellhart Road, Norton, Ohio 44203, approached the Board and stated that he had his business since 1984 and recently purchased a house on Shellhart Road. Prior to making an offer on the house he contacted Mr. Russ Arters, Superintendent of Building and Zoning, as to whether or not he would be permitted to park his dump truck at that residence. Mr. Arters informed him that he would need to apply for a Home Occupation permit.

Mr. Alloway explained that there would be no business traffic and that all his business was strictly by phone. The only issue was that he would need to park his dump truck inside the garage while he was not doing deliveries.

Mr. Easterling asked the applicant what type of business he performed. Mr. Alloway said he delivered top soil, etc. He added that he used to be located in Akron and had no complaints from neighbors or the City. Mr. Easterling wondered if the applicant would only park the truck in the garage. Mr. Alloway said yes because it was not safe to keep it parked outside of the garage.

Mr. Bergstrom asked for the size of the truck. Mr. Alloway said it was a two-ton dump truck. He explained that there was an existing attached garage and that he wanted to add a third bay. Mr. Easterling asked the truck would fit in the garage without the third bay. Mr. Alloway said yes, if he adjusted the door. Mr. Bergstrom wondered if the truck would be empty when it would be coming and going from the residence. Mr. Alloway said yes. He explained that there would be no inventory at the property on Shellhart Road, there would only be the empty dump truck.

Mr. Easterling was concerned with the size of the truck. Mr. Pritchard reminded the Board that Mr. Arters requested the maximum weight limit code be addressed because it is not adequate to facilitate the size of trucks that currently travel Norton's roads.

Mr. Bergstrom referred to the comments submitted by Mr. James Calco, Fire Chief, regarding this application, in which he stated that he found no problem with the request as long as Mr. Alloway installs a 20BC extinguisher in his garage. Mr. Alloway said that he would comply with all requirements.

Chairman Easterling asked if anyone present wanted to speak for or against the application.

Ms. Diane Farmer, 3812 Shellhart Road, Norton, Ohio 44203, approached the Board and said that her property shares the southside of the property in question. She questioned the ability of adequate space to build an extra bay on the garage. Ms. Farmer stated that she wanted to build a shed a couple of years prior to this and was informed that there was not adequate setback to build.

Mr. Bergstrom wondered if it was found that there is an adequate setback for the applicant to construct the extra bay, would she approve of the dump truck being parked in it. Ms. Farmer wondered why the applicant had to apply for a variance just to park his truck in his own garage. Mr. Easterling explained that the home occupation code stated that this type of business had to have a home occupation permit and therefore needed a variance.

Mr. Dan Young, 3766 Shellhart Road, Norton, Ohio 44203, approached the Board and stated that he did not know the facts and was confused as to the size of the dump truck and whether or not the applicant would need another bay in his garage. He was concerned that this type of a variance was being considered for an R-1 District. Mr. Young believed that building a garage to park a large truck in would diminish the neighborhood's ambiance. He said that he bought his home for ambiance so consideration of permitting a dump truck and/or business made him nervous.

Mr. Young continued by stating that the location in question on Shellhart Road was dangerous because it is on a hill and a number cars speed in that area. He felt that there were safety issues involved with a truck pulling in and out of that driveway because of its location.

Mr. Young stated that, with all due respect to Norton, he believed that the City has found it difficult to enforce their codes; he used the solid waste case on Clubview Drive as an example. His concern was that if a variance was approved, it would prove to be unenforceable so to permit a variance to the zoning code would be too risky.

Chairman Easterling asked a second time if anyone present wanted to speak for or against the application.

Mr. Michael Reynolds, 3605 Everett Drive, Norton, Ohio 44203, approached the Board and stated that his property was behind and adjacent to the property in question. He was speaking in opposition to the application because he shared the same concerns as Mr. Young. He said he has observed as pedestrian, as well as a driver, on Shellhart Road that the location of this driveway is hazardous. There are no sidewalks and there are bikers and walkers on that road. Mr. Young said he was not against the applicant, a slow moving truck concerned him because of pedestrians and speeding cars traveling over the hill. He was also concerned because he has teenagers that drive on that road.

Mr. Young stated that Shellhart Road is not maintained and a dump truck could make the bad road conditions worse. He believed that the Shellhart Road area had been zoned residential since the 1950's. Mr. Young stated that he believed he gave more consideration into the purchasing of his home than the City gave to this zoning change. He said he owned his home for twenty years and it was a major investment. He commented that he was not speaking out against the growth of business in Norton. He felt that the business growth in Norton would need a well thought out plan. Mr. Young concluded by asking the Board to reject this application.

Mr. Alloway stated that he could not imagine safety concerns with a dump truck rather than a car on Shellhart Road. He said he would turn around in the driveway so he could exit the driveway in a forward position. Mr. Alloway mentioned that he had no plans of expanding his business and would have no problems with being required to park the truck in the garage.

Mr. Floyd Poholski, 3690 Shellhart Road, Norton, Ohio 44203, approached the Board and stated that he has lived on Shellhart Road for thirty-six years and opposed the proposed rezoning for the same reasons as Mr. Young and Mr. Reynolds. He said that the area in question should remain residential. If this property is rezoned, more will follow.

Mr. Easterling interjected that the applicant was not requesting a rezoning so the area would remain residential.

Mr. Bergstrom stated that the picture of the truck submitted in the application looks as if it would have quite a large carrying capacity. Mr. Pritchard commented that he believed there would be overweight issues with this and other trucks in Norton because of the required maximum weight in the Norton's code.

Mr. Sam Obradovich, 3752 Shellhart Road, Norton, Ohio 44203, approached the Board and stated that he was a former Planning Commission Chairman. He said that there were plenty of other areas in Norton that this type of business would be more suitable. He hoped the Board would move against the application.

Mr. Genis asked Mr. Pritchard if an individual obtained a building permit to add onto his garage, would that individual be permitted to later on park a dump truck in it? Mr. Pritchard said that, if it was discovered, the individual would have to obtain a Home Occupation Permit to continue parking the truck at that residence, unless it was under the five-ton limit.

Mr. Howard Schlitt, 3800 Shellhart Road, Norton, Ohio 44203, approached the Board and said that he lived north of Mr. Alloway and has not yet met him, but hoped he would be a good neighbor. He said he shared the traffic concerns of the other adjacent property owners because of the speeding of a number of cars. Yet he believed a truck would be safer than a car.

Mr. Schlitt said that as a resident on Shellhart Road he has a nice aesthetic view and wanted it to remain a non-business area. He said he did not personally feel there was adequate space on the property in question to add another bay to the garage. Mr. Pritchard mentioned that the minimum required setback would be 10'. Mr. Schlitt said he did not believe there was enough room for a 10' setback.

Mr. Schlitt concluded by stating that he wanted to be a good neighbor.

Mr. Easterling explained that this application was not for a business, but a home occupation.

Chairman Easterling stated that he was presented a letter at the beginning of the hearing from resident Patti Hardy that was not able to attend that night, and he read it aloud. (See attachment.)

Chairperson Easterling asked for a third time if anyone present wanted to speak for or against the application; no one spoke. He then closed the public portion of the hearing to entertain a motion.

Chairman Easterling reconvened the hearing and extended the offer to the applicant that since there were only four members present, did they want to have their application continued to the next meeting. The applicant said he would accept the vote of the four members that night. Chairman Easterling called for a motion. **Mr. Bergstrom moved to deny BZA Application HO 2-2006, regarding a Type B Home Occupation Permit to operate a delivery service from a single family residence in an R-1 District, on the property known as 3806 Shellhart Road/PPN 4604141, for the following reason(s): Size of truck is non-conforming. In addition, it would be a negative impact to the neighborhood. Mr. Genis seconded the motion. ROLL CALL: Mr. Bergstrom-Yea, Mr. Genis-Yea, Mr. Helmick-Yea, Mr. Easterling-Yea. The motion passed 4-0, denying BZA Application HO 2-2006, by BZA Resolution No. 07-2006. The resolution was sent to the Administration and to Council for their information.**

Chairman Easterling thanked the applicant.

B.) BZA Application HO 1-2006 (continued):

Chairman Easterling asked the applicants of BZA Application HO 1-2006 if they were ready with their list of equipment requested by the Board. Mr. Smith said yes and presented it to the Board.

Chairman Easterling continued the hearing on BZA Application HO 1-2006. He asked three times if anyone present wanted to speak for or against the application; no one spoke. He then closed the public portion of the hearing to entertain a motion.

Chairman Easterling reconvened the hearing and extended the offer to the applicants that since there were only four members present, they could have their application continued to the next meeting. The applicant said he would accept the vote of the four members that night. Chairman Easterling called for a motion. **Mr. Helmick moved to approve BZA Application HO 1-2006, regarding a Type B Home Occupation Permit to operate a hauling service from a single family residence in an R-1 district, on the property known as 3055 Oak Street/PPN 4607534, for the following reason(s): 1.) Approve with the attached list of equipment to be allowed to be kept on the property as per this approved variance; 2.) No complaints from surrounding residents for 14 years; and 3.) Cleveland Massillon Road, not Long Street is to be used for exit and/or entrance of property location. Mr. Bergstrom seconded the motion. ROLL CALL: Mr. Helmick-Yea, Mr. Bergstrom-Yea, Mr. Genis-Yea, Mr. Easterling-Yea. The motion passed 4-0, approving BZA Application HO 1-2006, by BZA Resolution No. 08-2006. The resolution was sent to the Administration for their action and to Council for their information.**

Chairman Easterling thanked the applicant.

IV. OLD BUSINESS

A.) BZA Application A6-2006:

There was discussion regarding the Duncan Rules pertaining to BZA Application A6-2006 that was approved by the Board that evening. They agreed to the approval of the 100' frontage because it would have access to an improved roadway. There was further discussion.

B.) Home Occupations:

The Board wondered why some of the residents running businesses out their home were not previously cited. Mr. Pritchard said that it was recently discovered that they were not paying the appropriate taxes.

V. NEW BUSINESS:

A.) Survey Questions:


There was discussion regarding surveys and what a person could do if property lines have been surveyed by different companies and each come up with a different result. Mr. Helmick said that he believed the only recourse is to receive a certified survey. Mr. Pritchard said that an incorrect survey can cause a major problem. He said he would check with Mr. Arters regarding this matter.

B.) Member Attendance:


Mr. Bergstrom announced that he would not be present at the next meeting scheduled for Tuesday, July 18, 2006.

VI. CONSIDERATION OF MINUTES:

The Board reviewed the minutes from their Tuesday, May 16, 2006, meeting and Chairman Easterling called for a motion. **Mr. Bergstrom moved to approve the minutes as submitted; seconded by Mr. Helmick ROLL CALL: Mr. Bergstrom-Yea, Mr. Helmick-Yea, Mr. Genis-Yea, Mr. Easterling-Yea. The motion passed 4-0, approving the minutes as submitted. They were signed and processed accordingly.**



Board of Zoning & Building Appeals
Chair/Vice-Chair



Board of Zoning & Building Appeals
Vice-Chair/Member

7.18.06
Date

1298.08 STANDARDS FOR SPECIFIC CONDITIONAL USES.
In addition to the Standards for All Conditional Uses in Section 1298.07 above, the following standards shall apply to the specific conditional uses listed in this Section:

- a) Mini-Storage Facility (No change to this section.)
- b) Towing Service/Impound Operation. *(No change to this section.)*
- d) Auto Sales, Used. *(No change to this section.)*
- e) **Home Occupations Type A and Type B. See 1298.02(a)(4) A home occupation may be established as an accessory use on a lot on which a dwelling is the principal use provided that it complies with the regulations of this Zoning Code.**
 - (1) **Zoning Permit Required. A home occupation shall only be established subsequent to issuance of a zoning permit. The applicant for the zoning permit shall be the owner of the property.**
 - A. **Home Occupation, Type A: The Zoning Inspector is authorized to approve Type A home occupations by issuance of a zoning permit in compliance with the standards provided herein.**
 - B. **Home Occupation, Type B: Type B home occupations shall only be established subsequent to approval by the Board of Zoning and Building Appeals of an application for a conditional use permit in compliance with the standards provided herein.**
 - (2) **Standards. A home occupation shall comply with the following standards:**
 - A. **Only the residents of the dwelling in which the home occupation is located, plus one employee who is not**

a resident, shall own, conduct, participate in, or be employed in the home occupation. No person who is not either a permanent resident of the dwelling or the one employee who is not a permanent resident allowed under the preceding sentence to be so employed shall own, conduct, participate in, or be employed in the home occupation.

- B. No more than one (1) passenger car or other motor vehicle designed to carry a load of no more than one (1) ton used in the conduct of the business shall be parked on the lot. It shall be parked in a garage or on a paved exterior parking area on the lot. Other equipment, including trailers, shall only be stored in a garage, which is part of the main building or an approved accessory structure.
- C. No exterior alteration of the dwelling shall be permitted which is not consistent and compatible with the normal scale, orientation, or appearance of typical dwellings in the neighborhood.
- D. A home occupation shall not occupy an area greater than twenty five percent (25%) of the floor area of one story of the dwelling, including any storage or operations in that part of the dwelling which is the garage, nor more than fifty percent (50%) of the basement.
- E. No home occupation shall have more than five (5) customers or visitors to the lot per day. Any home occupation which involves instruction in music, dance or similar arts may have up to eight (8) students on the lot per day for individual instruction only. Visitors and deliveries shall be prohibited between the hours of 9:00 p.m. and 8:00 a.m.
- F. There shall be no substantial retailing or wholesaling of stocks, supplies or products conducted on the premises; however, delivery of retail products to the consumer off-premises, such as in the course of a mail order business, shall be permitted.
- G. Except for the specific permitted impacts established in (A) through (F) above or other impacts approved by the Board of Zoning and Building Appeals, no home occupation shall cause any impact which is perceptible outside of the dwelling including: noise; electrical or electronic interference; use of utilities in excess of normal residential use; traffic; parking of vehicles upon the lot or upon the public street;

**RESOLUTION
BOARD OF ZONING & BUILDING APPEALS
JUNE 20, 2006**

BZA RESOLUTION NO.: 06-2006

RE: BZA Application A6-2006
4162 Wadsworth Rd./PPN 4607519
Glen & Joellen Hoffman, Owners
Requesting a 120' Variance to Section 1260.04(b)-Area Requirements:
Minimum Lot Width of 220' in an RU-1 District
[To Allow a 100' Frontage for a Future Lot Split.]
(This application was continued from the May 16, 2006, hearing.)

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:

Motion to approve/table/deny BZA Application A6-2006, regarding a 120 foot variance to Section 1260.04(b)-Area Requirements, to allow 100 foot frontage in an RU-1 District for a proposed lot split, on the property known as 4162 Wadsworth Road/PPN 4607519 for the following reason(s):

lot width is similar to or the same as existing
lot width in the immediate area

Vote on Motion: FOR 4 AGAINST 0 ABSTAIN 0

Therefore BZA Application A6-2006 is hereby:

APPROVED DENIED ___ TABLED ___

This resolution shall be sent to:
Administration for it's ___ action or for it's information, and
Council for it's ___ action or for it's information.

Rachel Easter
Board of Zoning & Building Appeals
Chair/Vice-Chair

6-20-06
Date

Nicholas Demin
Board of Zoning & Building Appeals
Vice-Chair/Member

Board of Zoning and Building Appeals
City of Norton
Re: 3806 Shellhart Rd./PPN 4604141
Type B Home Occupation Permit Request
Robert Alloway, Owner

To Whom It May Concern:

I am unable to attend the meeting and I live at 3600 Clubview Dr. I am opposed to the idea of a business going in our rural neighborhood. Being large or small opens the door for others to do this and Shellhart Rd. is a busy road, we don't need anymore traffic on this street. Also by putting a structure on this property could obstruct the vision for drivers.

I feel this idea is not the best for our neighborhood.

Thank you,

Patti Hardy
3600 Clubview Dr.

**RESOLUTION
BOARD OF ZONING & BUILDING APPEALS
JUNE 20, 2006**

BZA RESOLUTION NO.: 07-2006

RE: BZA Application HO 2-2006
3806 Shellhart Road/PPN 4604141
Robert Alloway, Owner
Requesting a Type B Home Occupation Permit;
[To Operate a Delivery Service from a Single Family Residence in an R-1 District.]

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:

Motion to ~~approve/table~~ deny BZA Application HO 2-2006, regarding a Type B Home Occupation Permit to operate a delivery service from a single family residence in an R-1 District, on the property known as 3806 Shellhart Road/PPN 4604141, for the following reason(s):

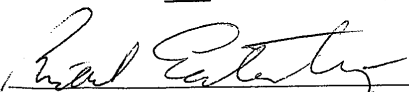
Size of truck is non-conforming. In addition
it would be a negative impact to the
neighborhood.

Vote on Motion: FOR AGAINST ABSTAIN

Therefore BZA Application HO 2-2006 is hereby:

APPROVED ___ DENIED TABLED ___

This resolution shall be sent to:
Administration for it's ___ action or for it's information, and
Council for it's ___ action or for it's information.


Board of Zoning & Building Appeals
Chair/Vice-Chair

6-20-06
Date


Board of Zoning & Building Appeals
Vice-Chair/Member

RESOLUTION
BOARD OF ZONING & BUILDING APPEALS
JUNE 20, 2006

BZA RESOLUTION NO.: 08-2006

RE: BZA Application HO 1-2006
3055 Oak Street/PPN 4607534
Charles & Laura Smith, Owners
Requesting a Type B Home Occupation Permit;
[To Operate a Hauling Service from a Single Family Residence in an R-1 District.]

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:

Motion to ~~approve~~/table/deny BZA Application HO 1-2006, regarding a Type B Home Occupation Permit to operate a hauling service from a single family residence in an R-1 District, on the property known as 3055 Oak Street/PPN 4607534, for the following reason(s):

Motion to approve with the following list of equipment
to be allowed to be kept on the property as per
this approved variance:
See Attachment. No complaints from surrounding residents
1/2 hrs. also use Cleveland Municipal Hwy street not Long Street
for exit or entering property location.
Vote on Motion: FOR AGAINST ABSTAIN

Therefore BZA Application HO 1-2006 is hereby:

APPROVED DENIED TABLED

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

Richard E. Smith
Board of Zoning & Building Appeals
Chair/Vice-Chair

Wm E. Lehman
Board of Zoning & Building Appeals
Vice-Chair (Member)

06-20-06
Date

Equipment requested to be allowed to be kept on property per variance

- 2004 Chevrolet 4500 heavy-duty one-ton dump truck, or similar model
- 2000 Chevrolet 6500 heavy-duty two-ton dump truck, or similar model
- 34' low-boy trailer (tandem dual deckover), or similar model
- 90 HP Thomas skidloader, or similar model
- 2004 Gehl paver (8-12' screen), or similar model
- 2000 Stone asphalt roller (1/2 to 3 ton, 36" width), or similar model
- Miscellaneous hand tools (i.e. rakes & shovels) stored in the paver

Norton Board of Zoning & Building Appeals
BZA Application HO1-2006
Charles & Laura Smith Owners
3055 Oak Street

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

The following individuals were present at the Meeting of the Board of Zoning & Building Appeals, held on **Tuesday, June 20, 2006**

PLEASE PRINT

NOTE: PLEASE DO NOT USE A P.O. BOX FOR YOUR ADDRESS

NAME	ADDRESS	CITY	ZIP
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Arthur Axner	805 Summit St	Akron	OH 44308
Rev. Daniel Young	3766 Shellhart Rd.	Norton	OH 44203
Charles & Laura Smith	3055 Oak St.		
Robert Alloway	3806 Shellhart	Norton	OH 44302
Glen Hoffman	4162 WADSWORTH RD	NORTON	44302
Floyd Pololski	3690 Shellhart	Norton	OH 44203
Michael Reynolds	3605 Everett Dr.	Norton	44203
Diane Farmer	3812 Shellhart Rd.	Norton	44203
Jan Walkley	4071 S. Cleve-Mass Rd.,	Norton, Ohio	44203
Howard Schmitt	3800 SHELLHART RD	NORTON	44203

Was present, but did not sign in:

Attorney Christopher Judge, 4071 S. Cleve-Mass. Rd., Norton, Ohio 44203

Signed

Cynthia J. Hughes
Stenographer

A SIGNED ORIGINAL OF THIS DOCUMENTATION SHALL BE FILED WITH THE CLERK OF COUNCIL.

BZA Attendance (Members & Audience)
Created: 6/00