

City of Norton
BOARD OF ZONING & BUILDING APPEALS
Tuesday, September 19, 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. The Board welcomed Mr. Michael Droppleman as the newest member of the Board, who is fulfilling the unexpired term of Mr. Terence Judge. The Mayor swore him in on September 18, 2006.

I. ATTENDANCE:

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

ALSO PRESENT: Jeff Pritchard, Director of Planning & Community Development
Russ Arters, Superintendent of Building & Zoning

II. SWEARING IN:

Chairman Easterling announced that anyone from the audience wanting to speak for or against any of the applications before the Board would need to sign in. He explained that since the Board of Zoning & Building Appeals (BZA) is a quasi-judicial Board, anyone 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:

A.) BZA Application A14-2006:

3320 Driftwood Road/PPN 4606576

Jon Barnes & Susan Cameron, Owners

Amy Tressider, Agent

Section 1262.04(e)(4)-Area Requirements:

Requesting a 13' Variance to the 50' Minimum Rear Yard Setback in an R-1 District.

[To Construct a Covered Picnic Area.]

Chairman Easterling convened the public hearing on BZA Application A14-2006, which was filed on Thursday, August 31, 2006. He reported that the secretary sent notices via first-class mail at least ten days before the original hearing as required by Section 6.03 of the Charter of the City of Norton, Ohio. He asked the applicant to step forward and present her opening statement.

Ms. Amy Tressider (agent), 2138 South Hawkins Avenue, Akron, Ohio 44314, approached the Board and stated that she believed the application was self-explanatory. She explained that she was requesting a 13-foot variance on behalf of Jon & Susan Barnes, owners of 3320 Driftwood Road. They want to construct a covered picnic area for protection from the elements.

Mr. Easterling wondered what the reasons were for needing a variance. Ms. Tressider said that because of a previous addition on the house being close to the minimum 50-foot rear yard setback, a variance was needed to construct the covered picnic area.

Mr. Nick Genis asked for the measurements of the proposed structure. Ms. Tressider said that it measured 18 foot by 20 foot and was a steel structure. Mr. William Helmick asked for the height of the structure. Ms. Tressider said it would be approximately 6 feet high. Mr. Easterling asked Mr. Russ Arters if that would be in compliance to the code. Mr. Arters said yes.

Mr. Genis asked the applicant if there was a better location for the structure in order to be in compliance. She said that she did not know. The proposed location, however, was the most convenient.

Mr. Todd Bergstrom asked if the structure would be free standing. Ms. Tressider said yes. She explained that the poles are attached to rods on the ground that would be anchored. Mr. Bergstrom wondered if it would be attached to the house. She said no.

Mr. Genis asked if there would be a concrete pad under the covered picnic area. Mr. Tressider said it would be gravel.

Mr. Bergstrom asked Mr. Arters if the proposed structure would be considered a permanent structure. Mr. Arters said yes, because it would be over the 200 square foot minimum and would have to be anchored to the ground. He said that the type of anchors was depicted on the picture of the structure within the application. Mr. Bergstrom wondered if the size of the structure would depend on whether or not a building permit would be required. Mr. Arters said that even if it were smaller, a zoning permit would still be needed.

Mr. Easterling asked Ms. Tressider if there was anything unique about the property in question, which would substantiate the variance request. She said no, just that the back yard is mostly gravel.

Chairman Easterling asked if there were any further questions from the Board; there were none. He then asked if anyone present wanted to speak for or against the application.

Mr. Ed Meholick, 3279 Brooklawn Drive, Norton, Ohio 44203, approached the Board and stated that he lived one lot behind the property in question. He stated that this was not a personal issue, he had not yet met the owners. His issue was about possible consequences if the requested variance was permitted. People with experience prepared the zoning law and it should be upheld. Mr. Meholick added that there was no guarantee that future owners would not misuse the proposed structure. He stated that if it were not properly maintained it would be an eyesore. Mr. Meholick said that this property was the only one in Brentwood Estates with a parking lot in the backyard. He said that vehicles are still being parked there, which would probably continue especially if a carport (covered picnic area) was permitted. He asked that the Board deny this variance request.

Mr. Bergstrom explained that the Board was not considering the type and/or potential use of the structure. Mr. Easterling agreed and stated that they were only considering the proposed 37-foot rear yard setback.

Mr. Meholick stated that he believed that there were optional locations for the structure so that a variance would not be needed.

Ms. Becky Grimes, 3263 Brooklawn Drive, Norton, Ohio 44203, approached the Board and stated that she was speaking against the application. She lived behind the property in question and had a solarium in her rear yard from which she does not want to look out and see a structure of this kind. Ms. Grimes said it was not right for that neighborhood.

Mr. Don Bailey, 3332 Driftwood Road, Norton, Ohio 44203, approached the Board and stated that he lived next door to the property in question. He exclaimed that the proposed picnic area was nothing more than a garage. He stated that eighty to ninety percent of that backyard was in gravel. Mr. Bailey agreed with Mr. Meholick that there were optional locations for the covered picnic area on that site, and that the zoning code should be upheld. He said that lots in that neighborhood are small and this carport (covered picnic area) should not be allowed.

Chairman Easterling asked a second and third time if anyone present wanted to speak for or against the application; no one spoke. He then asked the Board members if they were ready for a motion or would they prefer to deliberate. They agreed to a motion so Chairman Easterling called for a motion. **Mr. Bergstrom moved to deny BZA Application A14-2006, regarding a variance to Section 1262.04(e)(4)-Area Requirements, to construct a covered picnic area with a 37 foot rear yard setback in an R-1 district, on the property known as 3320 Driftwood Road/ PPN 4606576, for the following reason(s): 1.) It does not meet the 50 foot setback requirements; & 2.) Proper evaluation of alternate locations was not investigated. Mr. Helmick seconded the motion. ROLL CALL: Mr. Bergstrom-Yea, Mr. Helmick-Yea, Mr. Genis-Yea, Mr. Droppleman-Yea, Mr. Easterling-Yea. The motion passed 5-0, denying BZA Application A14-2006, by BZA Resolution No. 17-2006. The resolution was sent to the Administration and to Council for their information.**

IV. OLD BUSINESS:

A.) Building and Zoning Department:

Mr. Easterling asked Mr. Arters if there would soon be a replacement for the Building and Zoning Inspector. He said that hopefully within a month or two.

B.) Comprehensive Master Plan:

Mr. Jeff Pritchard announced that a public forum regarding the Comprehensive Master Plan was scheduled for October 12, 2006, at 6:30 p.m. in the Ballroom of the Shirley L. McGuire Community Center. He said he looked forward to the BZA members' attendance and comments.

V. NEW BUSINESS:

A.) Monday, September 18, 2006, Council Meeting:

1.) Alternate Member for the BZA:

Mr. Helmick stated that he attended the last Council meeting and that the Charter Review Committee had recommended an alternate sixth member be added to the BZA. He said that he approached Council and informed them that there had recently been a problem with only four active members on the BZA and that an alternate sixth member was needed. Mr. Helmick said he was of the opinion that the majority of Council was in favor of the idea. He explained that if Council approves the recommendation, it would be placed on a voting ballot next year.

2.) Design Criteria within the Norton Codified Ordinances:

Mr. Helmick stated that Council also discussed placing a standard designs pavement and grading criteria within the Norton Codified Ordinance. He said that Mr. Gene Esser, Summit County Engineer, gave an informative presentation on road stabilization. He believed the majority of Council was in favor of passing legislation for it. Mr. Pritchard commented that he was not an expert on this issue but he believed that different road specifications were needed for different uses. There was further discussion regarding this matter.

B.) Columbia Heights Area:

There was discussion regarding the Columbia Heights area. Mr. Pritchard stated that the Summit Ridge project would make extending water to this area easier.

C.) Ohio Planning Conference, October 27, 2006:

Mr. Easterling announced that the next Ohio Planning Conference was scheduled for October 27, 2006, in Cleveland. He explained that the Board's budget allows for one member to attend and that he and Mr. Bergstrom attended previous meetings, so Mr. Genis, Mr. Helmick or Mr. Droppleman should take advantage of this conference.

D.) Planning Commissioner's Journal Feature:

Mr. Easterling noted that there was an interesting feature in the 'Winter 2006 Planning Commissioner's Journal' regarding trees. He suggested the members review it for discussion at the next meeting.


VI. CONSIDERATION OF MINUTES:

The Board reviewed the minutes of their Tuesday, August 15, 2006, meeting and Chairman Easterling called for a motion. **Mr. Bergstrom moved to approve the minutes of Tuesday, August 15, 2006, as submitted; seconded by Mr. Helmick. ROLL CALL: Mr. Bergstrom-Yea, Mr. Helmick-Yea, Mr. Genis-Yea, Mr. Droppleman-Abstain, Mr. Easterling-Yea. The motion passed 4-0-1, approving the minutes as submitted. They were signed and processed accordingly.**

VII. ADJOURNMENT:

Chairman Easterling announced that the next meeting was scheduled for Tuesday, October 17, 2006, at 6:00 p.m. There was no further business to come before the Board, so Chairman Easterling adjourned the meeting at 6:57 p.m.


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


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

10-17-06
Date

RESOLUTION
BOARD OF ZONING & BUILDING APPEALS
SEPTEMBER 19, 2006

BZA RESOLUTION NO.: 17-2006

RE: BZA Application A14-2006
3320 Driftwood Road/PPN 4606576
Jon Barnes & Susan Cameron, Owners
Amy Tressider, Agent
Section 1262.04(e)(4)-Area Requirements:
Requesting a 13' Variance to the 50' Minimum Rear Yard Setback in an R-1 District.
[To Construct a Covered Picnic Area.]

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 A14-2006, regarding a variance to Section 1262.04(e)(4)-Area Requirements, to construct a covered picnic area with a 37 foot rear yard setback in an R-1 district, on the property known as 3320 Driftwood Road/PPN 4606576, for the following reason(s):

- 1 - does not meet the 50' set back requirement
- 2 - proper evaluation of alternate locations were not investigated

Vote on Motion: FOR 5 AGAINST 0 ABSTAIN 0

Therefore BZA Application A14-2006 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.

Robert M. Carter
Board of Zoning & Building Appeals
Chair/Vice-Chair

Joan Boyer
Board of Zoning & Building Appeals
Vice-Chair/Member

9-19-06
Date

**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, September 19, 2006

PLEASE PRINT

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

NAME	ADDRESS	CITY	ZIP
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Ed Meholick	3279 Brooklawn Norton	Norton	44203
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Don Bailey	3332 Driftwood RD.	Norton	44203
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Amy Jesides	2138 S. HAWKINS AV	AKRON	44314
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Becky Gimes	3263 Brooklawn North	Norton	44203
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Signed

Cynthia J. Hughes
Stenographer

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