

City of Norton
BOARD OF ZONING & BUILDING APPEALS
Tuesday, November 21, 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, Michael Droppleman

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 A19-2006:

2768 Brookfield Drive/PPN 4608034

MBLK LLC, Owners

Joe Andrews, Agent

Section 1266.04(e)(4)-Area Requirements;

Requesting a 15' Variance to the 50' Minimum Rear Yard Setback for a 35' Rear Yard Setback.

[To Construct a Single Family Dwelling with Attached Garage.]

Chairman Easterling convened the public hearing on BZA Application A19-2006, which was filed on Monday, November 6, 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 his opening statement.

Mr. Joe Andrews, 2993 Brookfield Drive, Norton, Ohio 44203, and stated that he wanted to purchase a parcel at 2768 Brookfield Drive and build a house on it. He explained that the lot is an odd shape and not big enough for an attached garage, therefore a 15-foot rear yard setback was needed.

Chairman Easterling asked who owned the property. Mr. Andrews said that Mr. Mack Seal owned it.

Mr. Nick Genis wondered if the side yard setbacks would be in compliance to the code. Mr. Andrews said yes. He explained that one side would have a seven-foot setback and the other would have an eighty-foot setback.

Mr. Todd Bergstrom noted that the garage on the property to the east seemed close to the rear lot line. He wondered if a variance was received for it and requested that the Secretary to check into it. She said she would.

Mr. William Helmick commented that the lot in question was the only one in Mt. Vernon Estates with an odd shape, which was a hardship for building a comparable house for that neighborhood. He believed the best use for the property would be a single-family dwelling.

Mr. Andrews noted that the main water line for that development was located on the 50-foot easement to the left of the property in question, which would make easy access. Mr. Easterling stated that there was a fifteen-foot drainage on the rear of the property. Mr. Andrews said that he would not infringe upon the drainage area. Mr. Easterling wondered who owned the property to the South. Mr. Andrews was not aware of who owned that property.

Chairman Easterling asked for any further questions or comments from the Board; there were none. He then asked three times if anyone present wanted to speak for or against the application; no one spoke. Chairman Easterling asked the Board members if they were ready for a motion or would they prefer to deliberate. They agreed to deliberate, so he closed the public portion of the hearing to entertain a motion.

Chairman Easterling reconvened the hearing and called for a motion. **Mr. Bergstrom moved to approve BZA Application A19-2006, regarding a 15 foot variance to Section 1266.04(e)(4)-Area Requirments in an R-3 District, for a 35 foot rear yard setback on the property known as 3768 Brookfield Drive/PPN 4608034, for the following reason(s): Due to the configuration of the lot, a variance is required in order to build a home with a garage equivalent to the surrounding homes. Mr. William Helmick seconded the motion. ROLL CALL: Mr. Bergstrom-Yea, Mr. Helmick-Yea, Mr. Genis-Yea, Mr. Michael Droppleman-Yea, Mr. Easterling-Yea. The motion passed 5-0, approving BZA Application A19-2006, by BZA Resolution No. 22-2006. The resolution was sent to the Administration for it's action and to Council for it's information.**

Chairman Easterling thanked the applicant and advised him to wait a few days before contacting the Building Department regarding his building permit.

IV. OLD BUSINESS:

A.) Variance Signs:

Mr. Genis commented that he saw a variance sign on a Taylor Road property located in Wayne County. Mr. Easterling asked the Secretary to check with Mr. Jeff Pritchard, Director of Planning and Community Development, regarding this sign and whether or not a similar sign could be used in Norton. She said she would mention it to him.

V. NEW BUSINESS:

A.) 2007 Boards and Commission Tentative Meeting Schedule:

Mr. Easterling asked the Secretary if the 2007 Boards and Commissions Tentative Meeting Schedule was ready. She said that a few modifications still needed to be made, but she would be distributing it soon.

B.) Possible Alternate Board of Zoning and Building Appeals Member:


Mr. Easterling reported that the Charter Review Commission sent a recommendation to Council for an alternate sixth member for the BZA. He added that if Council approved it, it would be placed on a voting ballot.

VI. CONSIDERATION OF MINUTES:

The Board reviewed the minutes of their Tuesday, October 17, 2006, meeting and Chairman Easterling called for a motion. **Mr. Droppleman moved to approve the minutes of Tuesday, October 17, 2006, as submitted; seconded by Mr. Bergstrom. ROLL CALL: Mr. Droppleman-Yea, Mr. Bergstrom-Yea, Mr. Genis-Abstain, Mr. Helmick-Yea, 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 Wednesday, December 13, 2006, at 6:00 p.m. He asked the Secretary if there were any applications pending for the next meeting. She said that a Riparian Setback Variance for a Barber Road business was pending. There was brief discussion regarding a previous Riparian Setback Variance for the same business. There being no further business coming before the Board, Chairman Easterling adjourned the meeting at 6:19 p.m.


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


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

12.13.06
Date

RESOLUTION
BOARD OF ZONING & BUILDING APPEALS
NOVEMBER 21, 2006

BZA RESOLUTION NO.: 22-2006

RE: BZA Application A19-2006
2768 Brookfield Drive/PPN 4608034
MBLK LLC, Owner
Joe Andrews, Agent
Section 1266.04(e)(4)-Area Requirements:
Requesting a 15' Variance to the 50' Minimum Rear Yard Setback for a 35' Rear Yard Setback.
[To Construct a Single Family Dwelling with Attached Garage in an R-3 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/den~~ BZA Application A19-2006, regarding a 15 foot variance to Section 1266.04(e)(4)-Area Requirements in an R-3 District; for a 35 foot rear yard setback on the property known as 2768 Brookfield Drive/PPN 4608034, for the following reason(s):

Due to the configuration of the lot a variance is required in order to build a home w/ garage equivalent to the surrounding homes

Vote on Motion: FOR 5 AGAINST 0 ABSTAIN 0

Regarding BZA Application A19-2006:

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 A. Eastling
Board of Zoning & Building Appeals Chair ~~Vice-Chair~~

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

11.21.06
Date

