

City of Norton
BOARD OF ZONING & BUILDING APPEALS
Tuesday, June 19, 2007

The Board of Zoning & Building Appeals (BZA) convened for a public hearing in Council's Chambers of the Safety Administration Building. Chairman Richard Easterling called the meeting to order at 6:03 p.m.

I. ATTENDANCE:

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

ALSO PRESENT: **Jeff Pritchard, Director of Planning and Community Development
Pat Ryan, Building and Zoning Inspector**

II. SWEARING IN:

Chairperson 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 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 A 4-2007:

3997 Bushey Avenue/PPN 4603733

James Hart, Owner

Requesting the following Variances:

- 1.) 210 Square Foot Variance to Section 1296.03(a)(1)-Accessory Buildings; and**
- 2.) 33' Variance to Section 1266.04(e)(1)-Area Requirements.**

[To construct a 5' x 4' accessory building and a front porch in a R-3 District.]

Chairperson Easterling convened the public hearing on BZA Application A 4-2007, which was filed on Monday, May 21, 2007. 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. Chairperson Easterling informed the Board that the owner sent an original notarized agent's letter that night with his Agent, Kevin Ross. He then asked the agent to step forward and present his opening statement.

Mr. Kevin Ross, 1168 Rhapsody Lane, Clinton, Ohio 44216, approached the Board and stated that he was representing Mr. Hart, owner, in his variance request to build a storage facility and a six (6)-foot wide, colonial style front porch to upgrade the house. He said he was helping Mr. Hart with the construction of these projects.

Chairperson Easterling asked if there were any questions or comments from the Board.

The Board wondered if the storage building had already been constructed. Mr. Ross said it was. Mr. Michael Droppleman asked Mr. Ross when it was constructed. He said he believed at the beginning of the year or a few months ago. Ms. Pat Ryan said that it was completed prior to Mr. Hart coming to the Building Department for a building permit. She said that Mr. Russ Arters, Superintendent of Building and Zoning, did not mention any problems with the construction plans. It was just over the allotted size limit within a R-3 District.

Mr. Nick Genis wondered where the location of the well and septic system was for the parcel in question. Mr. Ross believed the well was located in the front and the septic system in the rear. Mr. Genis asked if the front porch would infringe on the well. Mr. Ross believed it would not.

Mr. Easterling asked the Agent if the addition of the front porch would align the house with the neighboring homes. He said yes.

Mr. Todd Bergstrom asked for the right-of-way width for the property. Mr. Pritchard believed it was fifty feet. Ms. Ryan stated that there used to be a porch on the house. She noted that the house across the street and the one next door have porches.

Chairperson Easterling thanked the Agent and asked the Board if they had any further questions or comments. Mr. William Helmick wondered what the Building Department does when someone constructs without a permit. Mr. Pritchard explained that they could include a fine on the amount of the permit. He added that the BZA has the authority to have the building removed within their decision of whether or not to grant a variance.

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

Chairperson Easterling reconvened the hearing and called for a motion. **Mr. Droppleman moved to approve BZA Application A 4-2007, regarding a 210 square foot variance to Section 1296.03(a)(1)-Accessory Buildings, and a 33' variance to Section 1266.04(e)(1)-Area Requirements, to construct an accessory building and a front porch in a R-3 district, on the property known as 3997 Bushey Avenue/PPN 4603733, for the following reason(s): The accessory building and the front porch are both improvements to the existing property and to not allow these creates a hardship for the existing owner. Mr. Bergstrom seconded the motion. ROLL CALL: Mr. Droppleman-Yea, Mr. Bergstrom-Yea, Mr. Helmick-Yea, Mr. Genis-Yea, Mr. Easterling-Yea. The motion passed 5-0, approving BZA Application A 4-2007, by BZA Resolution No. 05-2007. The resolution was sent to the Administration for it's action and to Council for it's information.**

Chairperson Easterling informed Mr. Ross that the owner could contact the Building Department in a couple of days regarding his building permit.

B.) BZA Application A 5-2007

3274 Cleveland Massillon Road/PPN 4604270

Wertz Investments, LLC, Owner

E.S. Economy Sign & Design, Agent

Section 1289.06(a)(2)(D)-Signs in Business and Industrial Districts; Free-standing Signs

Requesting a 6' variance from the required 15' minimum right-of-way setback and

A 6' variance from the required 10' minimum adjacent lot line setback.

[To construct an 85.5" x 76" free-standing sign in a B-2 District.]

Chairperson Easterling convened the public hearing on BZA Application A 5-2007, which was filed on Friday, June 1, 2007.

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 then asked the agent to step forward and present his opening statement.

Mr. Mike Behn (agent), from E.S. Economy Sign & Design, 8430 Treetower, Chagrin Falls, Ohio 44023, approached the Board and stated that he was representing the owner of Fat Boys Pizza in his variance request to construct a free-standing sign at 3274 Cleveland Massillon Road for visibility of the business. He said that the sign on the building has already been replaced, however, and they wanted to keep the same location of the current free-standing sign for a new one. Mr. Behn said that there are four neighboring businesses with the same distance from the right-of-way as the location of the existing sign. He explained that due to the parking lot there is not much room for a sign.

Mr. Behn explained that the proposed sign would be internally lit and would cover a little more area than the current sign. Mr. Bergstrom wanted the sign location further from the lot line than the current one. He said that the owner was willing to move the location three to four feet (3--4') farther from property line.

There was discussion pertaining to the best traffic visibility location for the sign. Mr. Nick Genis thought that the sign would be more visible from the road if it was moved further from the right-of-way. The BZA discussed that the right-of-way was sixty (60) feet. Mr. Easterling noted that all the signs in that area are currently non-conforming.

There were questions regarding the type of foundation that would be used. Mr. Easterling stated, however, that the foundation was a Building Department issue.

Mr. Easterling said that the consensus so far was that the BZA did not want the sign any closer to the right-of-way than the existing sign pole and also no closer to the lot line as the location of the current pole. He said it seemed as if the southeast corner of the existing pole would a good line up for the proposed sign.

The BZA also discussed the dimensions of the proposed sign in relation to the current sign location. They said the calculations were not adding up correctly. Mr. Bergstrom said he wanted to know the measurement of the existing pole to the center of the road. Mr. Behn said that he measured it at twenty-one feet from the edge of the road. There was further discussion regarding the correct measurement of the right-of-way and the Board thought it would be best to have exact measurements.

Mr. William Helmick wondered if there were any plans to widen that portion of Cleveland Massillon Road in the near future. Mr. Pritchard said no.

The Board wondered what would be done with the existing pole. Mr. Behn said that it would be dismantled.

Mr. Bergstrom said he believed that the sign location could be adjusted to be in compliance with the minimum right-of-way setback of fifteen feet.

The Board asked for the estimated cost of the new sign. Mr. Behn said about Six Thousand Dollars (\$6,000.00).

After discussion, the BZA agreed that more information regarding the right-of-way was needed to reach a decision. Chairperson Easterling then announced that BZA Application A 5-2007 would be continued to Thursday, July 19, 2007 and it would be the first item on the Agenda.

IV. OLD BUSINESS:

A.) Status of request for Alternate BZA Member in Charter:

Mr. Helmick asked for a status report on the BZA's request to the Charter Review Commission for an alternate

BZA member. The Secretary informed them that the request was approved by Council and will be placed on the November voting ballot.

V. NEW BUSINESS:

Mr. Easterling asked the Secretary to place a note in the BZA applications that the applicants stake the locations for variance requests. The Secretary said she would check with the Building Department regarding this matter.


VI. CONSIDERATION OF MINUTES:

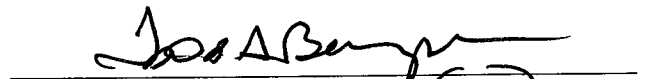
A.) BZA Minutes from the Tuesday, April 17, 2007, meeting:

The Board reviewed the minutes of their Tuesday, April 17, 2007, meeting and Chairman Easterling called for a motion. **Mr. Helmick moved to approve the minutes of Tuesday, April 17, 2007, as submitted; seconded by Mr. Droppleman. ROLL CALL: Mr. Helmick-Yea, Mr. Droppleman-Yea, Mr. Genis-Yea, Mr. Bergstrom-Yea, Mr. Easterling-Yea. The motion passed 5-0, approving the minutes as submitted. They were signed and processed accordingly.**

VII. ADJOURNMENT:

Chairperson Easterling announced that the next meeting was scheduled for Thursday, July 19, 2007, at 6:00 p.m. He asked if there were any pending applications. The Secretary said there was a riparian setback variance application pending for the next meeting. There being no further business coming before the Board, Chairman Easterling adjourned the meeting at 7:32 p.m.


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


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

7-19-07
Date

RESOLUTION
BOARD OF ZONING & BUILDING APPEALS
June 19, 2007

BZA RESOLUTION NO.: 05-2007

RE: BZA Application A 4-2007

3997 Bushey Avenue/PPN 4603733

James Hart, Owner

Requesting the following Variances:

1.) 210 Square Foot Variance to Section 1296.03(a)(1)-Accessory Buildings; and

2.) 33' Variance to Section 1266.04(e)(1)-Area Requirements.

[To construct a 15' x 14' accessory building and a front porch in a 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. X 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. X 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 A 4-2007, regarding a 210 square foot variance to Section 1296.03(a)(1)-Accessory Buildings and a 33' variance to Section 1266.04(e)(1)-Area Requirements; to construct an accessory building and a front porch in a R-3 district. on the property known as 3997 Bushey Avenue/PPN 4603733, for the following reason(s):

The accessory building and the front porch are both improvements to the existing property and to not allow these creates a hardship for the existing owner.

Vote on Motion: FOR 4 AGAINST 0 ABSTAIN 0

Therefore BZA Application A 4-2007 is hereby:

APPROVED X DENIED TABLED

This resolution shall be sent to:

Administration for it's X action or for it's information, and

Council for it's action or for it's X information.

Board of Zoning & Building Appeals Chair/Vice-Chair

Board of Zoning & Building Appeals Vice-Chair/Member

6.19.07
Date

