

**City of Norton**  
**BOARD OF ZONING & BUILDING APPEALS**  
**Tuesday, January 15, 2008**

The Board of Zoning & Building Appeals (BZA) convened for a public hearing in Council's Chambers of the Safety Administration Building. Chairperson Richard Easterling called the meeting to order at 6:02 .m.

**I. ATTENDANCE:**

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

**ALSO PRESENT:** Pat Ryan, Building and Zoning Inspector

**II. SWEARING IN:**

Chairperson Easterling announced anyone from the audience wanting to speak for or against any of the applications before the Board would need to sign in. He explained 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 A18-2007:**

**3095 Barber Rd/PPN's 4603791-92  
World Real Estate Services, LTD., Owner  
Amy Yelling/Ellet Neon Sales & Service, Agent  
Requesting the following:**

- 1.) Variance to Section 1289.06(a)(2)(C) – Signs in Business and Industrial Districts; Permanent Signs; Free-Standing Signs – Requesting an additional 49.4 sq. ft. from the allowed 25 sq. ft. maximum area and an additional 18' 10" from the allowed 5' height; and**
- 2.) Variance to Section 1289.06(a)(1)(B)- Signs in Business and Industrial Districts; Permanent Signs; Wall signs and Projecting Signs – Requesting an additional 32.9 sq. ft. from the allowed 141 sq. ft.**
- 3.) Variance to Section 1289.06(a)(2)(D) – Signs in Business and Industrial Districts; Permanent Signs; Free –Standing Signs. Requesting a 10' variance from required 15' setback from Right-of-Way.**

**[To construct a 74.4 sq. ft. By 23' 10" high Free-Standing sign 5' from the Right-of-Way and to construct Wall signage of 173.9 sq. ft. in an I-1 District.]**

Chairman Easterling convened the public hearing on BZA Application A18-2007, which was filed on Wednesday, November 28, 2007. He reported 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. He then asked the applicant to step forward and present his opening statement.

Amy Yelling, Project Manager for Ellet Neon Sales & Services and agent for the owners, approached the podium. Chairman Easterling asked Ms. Yelling if she intended to discuss the amended portion of Number 1 and Number 3 on these signs. Ms. Yelling stated that was correct. Chairman Easterling stated the Board will consider reasons for amendments on Number 1 and 3, they then will consider the reasons for Number 2. Ms. Yelling stated she had for the Boards consideration, new signage for Fred Martin Collision Center. She explained the frontage on Barber Road is 216', the building frontage is approximately 141' and the setback of the building from the right-of-way is approximately 188'. Ms. Yelling explained this was for an overall view of the sign as you drive by. Ms. Yelling further explained the sign will be approximately 9'x 8' and wall height will be 23'. She explained the first part of this variance is for height allowance, the second part is on square footage allowance, (which is 74.4 square foot) and the third part will be for the setback. Mr. Bergstrom questioned Ms. Yelling on the orientation of the sign in respect to Barber Road. He asked if it will be facing Barber Road. Ms. Yelling stated the sign will face toward Barber Road, which is why a setback is required. She mentioned the foundation of the sign would be 10'. Mr. Bergstrom questioned where the foundation would be in respect to the edge of the sign. Ms. Yelling stated the sign would be entirely in the existing landscaping, the sign will be facing the road. Mr. Bergstrom asked if the sign had a 10' wide footer and if the sign would be centered on the footer. Ms. Yelling stated yes. Ms. Yelling stated the sign would be at 5' and will face Barber Road. She stated the sign cabinet is 8'x 3", so the sign will be less than the 15' setback requirement. Mr. Genis stated he noticed this site had rebar with yellow tips, already in concrete. He asked Ms. Yelling if the rebar was to identify the edge of the sign that would be closest to the road. Mr. Genis said he noticed a gray conduit coming out of the ground, at the same site. Mr. Genis asked Ms. Yelling if the conduit was for a signpost. Ms. Yelling stated the conduit was for power. Mr. Bergstrom asked if the foundation was already installed. Ms. Yelling stated no, not at this time. Ms. Yelling asked if the Board had any other questions for her. Mr. Bergstrom asked Ms. Yelling to present to the Board an example of the sign. Ms. Yelling presented the Board with examples of signage and explained where the foundation would be in relationship to the sign. Mr. Bergstrom asked Ms. Yelling why Fred Martin Motors was asking for this sign variance on square footage, which was substantial. He asked Ms. Yelling to give him the methodology in selecting this sign, and asked if the reason for the sign was to be seen from a certain distance. Mr. Huff stated Fred Martin Motors is currently in negotiations with a dealership to bring a new car franchise, showroom and complete another car dealership by adding to this building. Mr. Huff also stated Fred Martin Motors would like to complete this project within 18 months, then reface the sign once the project and new car dealership were in place. Mr. Bergstrom pointed out a discrepancy on the sign height dimensions. He stated the paperwork given to the Board was 15'x 9'10" which equals 24' 10", but the drawing example Ms. Yelling presented to the Board shows the sign at 23'10". He asked Ms. Yelling what the actual sign height should be. Ms. Yelling stated it should be 23' 10". Chairman Easterling stated this was quite a height variance and questioned if Fred Martin Motors wanted this sign to be seen from State Route 224/I-76 or Barber Road. Mr. Huff stated Barber Road. Mr. Huff also stated one of the challenges with this property was it is currently at Industrial Zoning, not a Retail Zoning. Mr. Huff stated Fred Martin Motors should have moved forward earlier and changed their zoning. He stated this site was not really an Industrial Site but a Retail Site, and stated further marketing cars was not considered manufacturing. Mr. Huff said this was something Fred Martin Motors should have corrected before this project started. Ms. Ryan stated the business district Mr. Huff was speaking of would have allowed for a 50 square foot sign at an 8' height, but this sign still would not have conformed. Ms. Ryan said this would still require two variances. Chairman Easterling asked why the sign was so high. Mr. Huff stated Ellet Sign Sales & Service required a split sign for Fred Martin Motors for two different businesses. Mr. Bergstrom asked if it was Fred Martin Motor's intention to make a bigger sign, or a different style. Mr. Huff stated no, Fred Martin Motors would only change the face of the sign for the two businesses. Mr. Huff further explained the intent is to not come back in 18 months and say Fred Martin Motors needs a bigger sign. Fred Martin Motor's intent is to change the face of the sign from one company name to include two company names. Chairman Easterling addressed Ms. Yelling on the sign height problem. Ms. Yelling stated the sign height recommendation came from Ellet Neon Sales & Service, which works with different cities on their signage. Ms. Yelling stated at Fred Martin Motor's location, this sign will be inside a landscape planter. Ms. Yelling stated the sign was 14' high to the bottom, a monument sign would not be visible from the expressway. She further expressed that visible signs are double spaced illuminated signs with a white background and clear text. Ms. Yelling stated Ellet

Neon Sales & Service works with the City of Akron, which require only a 10' height clearance under the cabinet, to the bottom of their signs. Chairman Easterling stated Mr. Huff and Ms. Yelling were each saying something different about sign height. Chairman Easterling stated Mr. Huff said Fred Martin Motors isn't interested in seeing the sign from State Route 224/I-76, but Ms. Yelling wants the sign to be seen from State Route 224/I-76. Ms. Yelling stated she wanted the sign to be seen clearly from all directions. Chairman Easterling asked Ms. Yelling if she thought this sign would be high enough to be seen from the State Route 224/I-76. Ms. Yelling said yes. Mr. Helmick questioned how far the sign would be from the Barber Road exit ramp, leading south on State Route 224/I-76. Mr. Huff stated it would be about 80' to 100'. Mr. Helmick stated if he were driving either way on State Route 224/I-76 and exited on Barber Road, this sign would be clearly seen at that height. Mr. Genis stated that according to the United States Sign Council, if you want to see a sign 250' away with 20-20 vision, you need 10". Mr. Genis stated this sign was approximately 12". This sign will be visible from the bridge on State Route 224/I-76. Chairman Easterling stated he was still concerned with the height of this sign, he further stated there were many high-rise signs already near the Barber Road area. Chairman Easterling asked Mr. Huff the height of the roadway from Barber Road to State Route 224/I-76. Mr. Huff stated it was 33'. Mr. Bergstrom asked Mr. Huff if it was the intent of Fred Martin Motors to capture traffic on State Route 224/I-76. Mr. Huff stated he wanted to capture traffic on the Barber Road exit ramp. Mr. Bergstrom then asked why Fred Martin Motors hadn't considered lowering the sign to 8' and keep the sign size at 50 square foot. Mr. Huff stated Ellet Neon Sales & Service Company was only trying to help Fred Martin Motors accomplish their goals. Mr. Bergstrom asked Mr. Huff if Fred Martin Motors had done an analysis on this issue, and if so, why couldn't it be recommended to Ellet Neon Sales & Service to lower the sign. Mr. Huff said if a study was done and the analysis showed Fred Martin Motors needed a smaller sign, they would get a smaller sign. Ms. Yelling stated Barber Road is two-way traffic and Ellet Neon Sales & Service is primarily looking at the traffic flow on State Route 224/I-76. Ms. Yelling stated if the sign was higher, it would be more identifiable. Mr. Bergstrom stated he understood the visibility intent from Barber Road. Mr. Helmick stated if the Board would grant a variance, the height would be a small issue. Mr. Genis stated if he drove down Barber Road, the height of this sign would not hinder the sight of neighboring signs if it was lowered. Mr. Genis stated he wanted to discuss the 10' setback variance again. Ms. Yelling stated the base of this sign is at 15', and at regulation. The foundation will be sitting in part concrete, part landscaping bed. If this sign base is any larger, it will impede traffic flow and take up parking lot space. Chairman Easterling asked if there were any other questions. Ms. Yelling stated the building frontage is 141' and the sign is 30" high. She further stated the sign band area is filled only with the name, Fred Martin Collision Center. Ms. Yelling said the sign is internally illuminated, designed specifically for Fred Martin Motor's new building and can be seen from Barber Road. Chairman Easterling asked if Fred Martin Motors was planning to erect another building in front of this. Chairman Easterling stated that he believed another building would block the view of this sign. Mr. Huff stated this sign would come down once Fred Martin Motors secures a Manufacturer's Contract. Mr. Huff also stated the sign would come down and a new sign would go up in the front of the new building. Chairman Easterling asked how Fred Martin Motors would highlight they now have a Collision Center. Mr. Huff stated they it would use the road sign. Ms. Yelling stated Fred Martin Motors was only asking for an additional 30 square foot. If Fred Martin Motors was zoned Commercial instead of Industrial, there would not be a variance issue on a wall sign. Chairman Easterling asked if there were any other questions or comments. There were none.

Chairperson Easterling called for discussion with Board members.

Chairman Easterling reconvened the hearing and called for a motion. **Mr. Droppleman moved to approve BZA Application A18-2007, regarding a variance to Section 1289.06(a)(C) - Signs in Business and Industrial Districts: Permanent Signs: Free-Standing Signs, Requesting an additional 49.4 sq. ft. from the allowed 25 sq. ft. Maximun area and an additional 18' 10" from the allowed 5' height: and 2.) Variance to Section 1289.06(a)(1)(B) - Signs in Business and Industrial Districts: Permanent Signs: Wall signs and Projecting Signs, Requesting and additional 32.9 ft. from the allowed 141 sq. ft. and 3.) Variance to Section 1289.06(a)(2)(D) - Signs in Business and Industrial Districts: Permanent Signs: Free Standing Signs: Requesting 10' variance from the required 15' setback from the Right-of-Way. (To construct a 74.4 sq.ft. by 23' 10" high free-standing sign 5' from the Right-of-Way and to construct wall signage of 173.9 sq.ft. in an I-1 District) on the property known as 3095 Barber Road/PPN's 4603791-92 for the following reasons: The variances for the signage size requirements are necessary to permit signage that is consistent with contemporary industry standards and the variance to the**

Right-of-Way setback requirement is necessary to allow for proper traffic flow within the parking area. Mr. Bergstrom seconded the motion. **ROLL CALL: Mr. Droppleman-Yea, Mr. Bergstrom-Yea, Mr. Genis-Yea, and Mr. Helmick-Yea, Chairman Easterling-Yea.** The motion passed 5 - 0, approving BZA Application A18-2007, by Resolution No. 1-2008. The resolution was signed and processed accordingly.

**IV. OLD BUSINESS:**

None.

**V. NEW BUSINESS:**

Chairman Easterling welcomed Pam Campbell to the Boards & Commission Secretary position.

Chairman Easterling asked for Election of new Officers to the 2008 Board of Zoning & Building Appeals commission.

Chairperson Easterling asked for any nominations for Chairman. **Mr. Genis nominated Mr. Bergstrom for Chairman of the Board. Mr. Droppleman seconded the nomination. Chairman Easterling called for roll. ROLL CALL: Mr. Genis-Yea, Mr. Droppleman-Yea, Mr. Bergstrom-Yea, Mr. Helmick-Yea. Mr. Easterling-Yea. Passed 5-0 for Mr. Todd Bergstrom as Chairman.**

Chairman Easterling asked for nominations for Vice-Chairman. **Mr. Bergstrom nominated Mr. Genis for Vice-Chairman of the Board. Mr. Droppleman seconded the nomination. Chairman Easterling called for roll. ROLL CALL: Mr. Bergstrom-Yea, Mr. Droppleman-Yea, Mr. Genis-Yea, Mr. Helmick-Yea, Mr. Easterling-Yea. Passed 5-0 for Mr. Nick Genis as Vice-Chairman.**


**VI. CONSIDERATION OF MINUTES:**

Minutes of Tuesday, 11-20-07 were considered.

**Mr. Genis moved to approve the minutes of 11-20-07 as corrected; Seconded by Mr. Helmick. ROLL CALL: Mr. Genis-Yea, Mr. Helmick-Yea, Mr. Easterling-Yea, Mr. Bergstrom-Yea, Mr. Droppleman-Yea, Mr. Easterling-Yea. The motion passed 5- 0, approving the minutes as submitted. Minutes were signed and processed accordingly.**

**VII. ADJOURNMENT:**

Mr. Easterling announced that the next meeting was scheduled for Thursday, February 28, 2008, at 6:00 p.m. There being no further business coming before the Board, he adjourned the meeting at 7:00 p.m.

  
Board of Zoning & Building Appeals Chair/Vice-Chair

  
Board of Zoning & Building Appeals Vice-Chair/Member

2-25-08  
Date

**RESOLUTION**  
**BOARD OF ZONING & BUILDING APPEALS**  
**January 15, 2008**

BZA RESOLUTION NO.: 1-2008

BZA Application A18-2007  
3095 Barber Road/PPN's 4603791-92  
World Real Estate Services, Ltd., Owner  
Amy Yelling, Ellet Neon Sales & Service Inc., Agent

Requesting the following:

- 1.) Variance to Section 1289.06(a)(2)(C) – Signs in Business and Industrial Districts; Permanent Signs; Free-Standing Signs. Requesting an additional 49.4 sq. ft. from the allowed 25 sq. ft. maximum area and an additional 18' 10" from the allowed 5' height; and
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[To construct a 74.4 sq. ft. by 23' 10" high free-standing sign 5' from Right-of-Way and to construct wall signage of 173.9 sq. ft. in an I-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/deny BZA Application A18-2007, regarding a Variance to Section 1289.06(a)(2)(C) – Signs in Business and Industrial Districts; Permanent Signs; Free-Standing Signs. Requesting an additional 49.4 sq. ft. from the allowed 25 sq. ft. maximum area and an additional 18' 10" from the allowed 5' height; and a Variance to Section 1289.06 (a)(1)(B)-Signs in Business and Industrial Districts; Permanent Signs; Wall signs and Projecting Signs. Requesting an additional 32.9 sq. ft. from the allowed 141 sq. ft. and a Variance to Section 1289.06 (a)(2)(D)-Signs in Business and Industrial Districts; Permanent Signs; Free-Standing Signs. Requesting 10' variance from required 15' setback from Right-of-Way to construct a 74.4 sq. ft. by 23' 10" high free-standing sign 5' from Right-of-Way and to construct wall signage of 173.9 sq. ft. in an I-1 District, on the property known as 3095 Barber Rd./PPN's 4603791-92 for the following reason(s):

The variances for the signage size requirements are necessary to permit signage that is consistent with contemporary industry standards and the variance to the right-of-way setback requirement is necessary to allow for proper traffic flow within the parking area.

Vote on Motion: FOR 5 AGAINST 0 ABSTAIN 0

Therefore BZA Application A18-2007 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

  
Board of Zoning & Building Appeals Vice-Chair/Member

1/15/2008  
Date

