

City of Norton
BOARD OF ZONING & BUILDING APPEALS
Tuesday, March 18, 2008

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

I. ATTENDANCE:

PRESENT: **Todd Bergstrom, Nick Genis, Michael Droppleman, William Helmick, Angie Wells**

ALSO PRESENT: **Tom Ocepek, Board of Zoning & Building Appeals Alternate**
 Pat Ryan, Building and Zoning Inspector
 Jeff Pritchard, Director of Planning & Community Development

II. SWEARING IN:

Chairman Bergstrom 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 A1-2008**
 3744 Wadsworth Rd/PPN 4605125-124, & 4603701
 Dr. Michelle Messner & Brian Messner, Owners
 Dimaio Architects, Agent
 Req. a Variance to Section 1289.06(a)(2)(D)
 Req. to Construct a Sign at the Right-of-Way
 Setback Line. (15 foot Variance) [To construct a 20.4 sq.ft. Free Standing Sign
 at the 15' Front Setback.]

Chairman Bergstrom convened the public hearing on BZA Application A1-2008, which was filed on Tuesday, March 4, 2008. 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.

Melanie Friedman of Dimaio Architects, Agent for the applicant, approached the Board and stated she had several concerns if this site's sign had to be placed within the regulations of the City of Norton. Ms. Friedman gave the Board a presentation of where the site's new proposed sign location would be. She stated the reason for this variance was based on the location of the new septic field and topography. She said the top of the new proposed sign would be 7' from the ground.

Chairman Bergstrom asked what the marker stakes represented on the site's dirt field. Ms. Friedman stated she had not been out to the location recently and didn't know what the stakes represented.

Mr. Genis stated he saw a sign on the site that says "Future Location of Creekside Animal Clinic." He asked if this was where the new proposed sign would be located. Pat Ryan, Zoning Inspector, stated this was not where the new sign would be placed. Ms. Friedman then pointed out the exact location of the new sign on her presentation board and explained the new sign location was back 19' from the existing site sign. Ms. Ryan stated the new sign meets City zoning codes in every way except for this variance that is being requested.

Ms. Ryan pointed out the address on the current paperwork on this site was incorrect. She stated the correct address of this new site is 3744 Wadsworth Road. The site of the existing Creekside Animal Clinic is 4434 Wadsworth Road.

Mr. Genis commented he noticed the site's lot becomes more recessed below the road level. Mr. Helmick asked if this new sign would be visible from State Route 21. Ms. Friedman stated the sign would not be very visible from State Route 21; it would not be that large of a sign. Mr. Genis asked if the signs square footage was within City Code. Ms. Ryan stated it was. Chairman Bergstrom thanked Ms. Friedman for her presentation and asked if the Board had any other questions for her. Chairman Bergstrom asked the audience three times if anyone would like to speak for or against the Applicant; no one spoke. **Chairman Bergstrom called for a motion. Mr. Genis moved to approve the variance as requested. A variance to section 1289.06(a)(2)(D), requesting to construct a sign at the right-of-way setback line, (15 foot variance), to construct a 20.4 sq.ft. free standing sign at the 15' front setback. Mr. Helmick seconded the motion. ROLL CALL: Mr. Genis-Yes, Mr. Helmick-Yes, Mr. Droppleman-Yes, Ms. Wells-Yes, Mr. Bergstrom-Yes. The motion passed 5-0, approving the variance request. BZA Resolution No. 3-2008 was signed and processed accordingly.**

Mr. Helmick stated Ms. Friedman's presentation was very well presented and was a reasonable request. He also mentioned this business will be a welcome addition to the area.

Chairman Bergstrom thanked the applicant.

IV. OLD BUSINESS:

Chairman Bergstrom asked if there was any old business; there was none.

V. NEW BUSINESS:

Chairman Bergstrom welcomed new Board members Angie Wells and Tom Ocepek. He asked both new members to tell the Board about themselves. Ms. Wells stated she has been a Norton resident for 10 years. She stated she is a Civil Engineer and works at GPD Group in downtown Akron. Mr. Ocepek stated he has been a Norton resident for 14 years. He stated he is a Regional Operations Manager and works at Eaton Corporation in Cleveland.

Ms. Ryan stated she passed out literature to the Board members on Skilled Game Arcade legislation that was passed by Council last year. She said Council passed this legislation just after the Attorney General changed ruling on what Skilled Game Arcades are and how to regulate them. She stated all Skilled Game Arcades have closed up because they could not give out cash prizes anymore. She said when the Attorney General required prize vouchers with nothing over \$10.00 (ten dollars), this pretty much put an end to these Skilled Game Arcades.

She stated Internet Café Games are becoming popular now, but these Café's don't pertain to Skilled Game Arcades. She stated the Attorney General is now involved with these Internet Café Games. She said the Attorney General's opinion of this is: Internet Café Games are nothing but gambling and no skill is involved. Ms. Ryan stated this issue is still in the ordinances in case Skilled Game Arcades do come back or if there would be an appeal; this Board would hear it. Chairman Bergstrom asked Ms. Ryan if she had heard if Skilled Game Arcades would come back. Ms. Ryan

stated no, she had not heard of them coming back. Chairman Bergstrom asked who would regulate Internet Café Games. Ms. Ryan said the State regulates them. Ms. Ryan further stated the Attorney General has closed down two Internet Café Game sites in Portage County, but no other information is currently available.

Mr. Pritchard asked if all Board members had copies of the Duncan Rules. He said these rules define the grounds for variances. Chairman Bergstrom stated some members would require copies. Ms. Ryan passed out copies to all Board members. Mr. Pritchard stated he would like the Board members to have the Duncan Rules document available at all meetings.

Mr. Pritchard stated the 2008 Northeast Ohio Stormwater Conference Workshop would be Wednesday, May 21st and Thursday, May 22nd. He stated this conference would be presented by Cuyahoga County College Eastern Campus. He said if Board members are interested in attending, website information can be emailed to them.

Mr. Helmick stated the Johnson Church Family Life Center project is now complete. He said this new facility is now open to the public. He stated this facility has a full basketball court, four individual basketball courts for smaller children, and volleyball courts for competition. He said this was a very nice facility and invited all to visit.

Mr. Helmick also stated the North Forty Project for senior citizens at Johnson Church has been pending for six years with problems and delays. He stated with forty acres available, it was a shame decisions haven't been made to have a senior community available. He stated this senior community would be a great addition to the Norton area.

Mr. Pritchard stated since the Family Life Center was now open at Johnson Church; this could be suggested at the upcoming Town Meeting. He stated this new facility might help absorb groups in the interim of converting the Community Center to a Fire Station.

Chairman Bergstrom reminded everyone of the Town Meeting on Wednesday, March 19 at 7:00 p.m. in Council Chambers.

Chairman Bergstrom asked if there was any other old business.

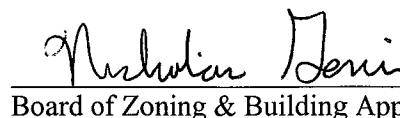
VI. CONSIDERATION OF MINUTES:

The minutes of Thursday, February 28, 2008 were considered. **Mr. Helmick moved to approve the minutes as submitted. Seconded by Mr. Genis. ROLL CALL: Mr. Helmick-Yes, Mr. Genis-Yes, Mr. Bergstrom-Yes, Ms. Wells-Abstain, Mr. Ocepek-Abstain. The motion passed 3-0, approving the minutes as submitted. Minutes were signed and processed accordingly.**

VII. ADJOURNMENT:

Chairman Bergstrom announced the next meeting was scheduled for Tuesday, April 15, 2008, at 6:00 p.m. There being no further business coming before the Board, he adjourned the meeting at 6:35 p.m.


Board of Zoning & Building Appeals Chair/Vice-Chair


Board of Zoning & Building Appeals Vice-Chair/Member

5-6-08
Date

RESOLUTION
BOARD OF ZONING & BUILDING APPEALS

March 18, 2008

BZA RESOLUTION NO.: 03-2008

RE: BZA Application A1-2008
3744 Wadsworth Road/PPN's 4605125-124 & 4603701
Dr. Michelle Messner & Brian Messner Owners/Dimaio Architects, Agent
Require a Variance to Section 1289.06(a)(2)(D)
Req. to Construct a Sign at the Right-of-Way Setback Line(15' Variance)
[To construct a 20.4 sq.ft. Free Standing Sign at the 15' Front Setback]

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:

Sign location required is the result of analyzing various locations at the site. The
other locations were not suitable based on the topography of the land and location
of the septic system location requirements.

Vote on Motion: FOR 5 AGAINST 0 ABSTAIN

Therefore BZA Application A1-2008, 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.

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

William H. Demick
Board of Zoning & Building Appeals
~~Vice-Chair~~/Member

3-18-08
Date

