

**City of Norton**  
**BOARD OF ZONING & BUILDING APPEALS**  
**Tuesday, May 20, 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 (Bill) Helmick,  
Tom Ocepek/Alternate

**ABSENT:** Angie Wells

**ALSO PRESENT:** 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:**

**BZA Application HO2-2008**  
**3183 Rosebay Blvd./PPN 4605628**  
**Mr. Denver B. Rorrer II and Ms. Marsha A. Rorrer, Owners**  
**Requesting a Type B Home Occupation Permit:**  
**[To Operate a Home Occupation Business in a**  
**R-1 Single Family Residential Home]**

Chairman Bergstrom convened the public hearing on BZA Application HO2-2008, which was filed on Tuesday, May 6, 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 their opening statement.

Mr. Denver Rorrer II, Owner, 3183 Rosebay Blvd., Norton, Ohio, 44203, approached the Board and stated he is petitioning for a permit for the property at 3183 Rosebay Blvd. Norton, Ohio, 44203, for the purpose of operating a Type B Home Occupation Business in a R-1 Single Family Residential home. He stated he would be requesting the approval for two part time secretaries. He said the hours of business would be 8:00am to 5:00pm, Monday through Friday with no weekends or holidays. He stated he was an independent car appraising company for insurance companies. He stated clients would not come to his residence. He said he and several subcontracted appraisers work from their own homes. He said they travel to tow yards and body shops to appraise cars for insurance companies. He said the paperwork is done at the office through fax and email. He said this paperwork is the reason for the two part-

time employees. Chairman Bergstrom asked if the Board had questions. Mr. Genis asked where Mr. Rorrer's current business was located. Mr. Rorrer said it is currently located in Stow. He said he bought the business in Stow and would now like to operate out of his residence. Mr. Genis asked if he looked at any other locations. Mr. Rorrer said he did look into renting or leasing office space. He said he discussed having the secretary's work from their own homes. He said the reason for him making this decision was for the simplicity and cost of living. Mr. Genis asked if the employees would be leaving the premises while at work. He asked if the employees would be back and forth outside the office during the day. Mr. Rorrer said one secretary works from 8:00a.m. to approximately 3:00p.m. He said the second secretary would work from 11:00a.m. to approximately 3:00p.m. He said both would work only four days a week. Mr. Genis asked if Mr. Rorrer was the only person that would be traveling in and out of the premises. Mr. Rorrer said yes. He said he is there in the morning until an employee arrives, then leaves and then comes back at the end of the day. Mr. Mike Droppleman asked if the employees were independent contractors. Mr. Rorrer said they would be his employees. Chairman Bergstrom asked about access to office space in the basement. He asked if Mr. Rorrer had a walk out area in the back of the residence. Mr. Rorrer said he did have a walk out area available. Chairman Bergstrom asked if there were plans for additional employees. Mr. Rorrer said he did not have plans for more employees. He said the office comes with a certain amount of territory and additional employees were not needed. Mr. Genis asked if this business could operate with only one employee. Mr. Rorrer said often it could, this is why the employees are only part time. He said one employee might not even be needed on a daily basis. He said it would depend on the weekly workload. He said the employees would only overlap four hours even on a busy week. Mr. Tom Ocepek asked how many employees the company had when it was purchased. Mr. Rorrer said they are the same two employees. Mr. Genis said he thought two variances were being asked for. He said the first is a Home Occupancy and the second is a variance for two employees verses one. Mr. Jeff Pritchard, Director of Planning & Community Development stated two part time employees might be allowed. He said he did not have the Zoning Code in front of him, but believed it would allow two employees. Mr. Genis referred to the Zoning Code. There was general discussion on the residence and a home occupation allowing two employees. Mr. Pritchard said he reviewed the Zoning Code that Ms. Pat Ryan, Building and Zoning Inspector, supplied and it allowed one employee and one car. Ms. Ryan said the overlap of the two employees would be minimal. Mr. Pritchard said the hours of the part-time employees and their hours vary according to the weekly workload. He said he has no issue with this request. Mr. Genis said this was the reason he asked questions about the employees and their work hours overlapping. Mr. Genis asked if any of Mr. Rorrer's neighbors had any comments or concerns. Mr. Rorrer said none of the neighbors had approached him with any issues. Ms. Ryan said one of the neighbors did come into City Hall for an explanation on what the business would be. She said he told her once he saw the business plans; he had no further questions and would not be attending this meeting. Mr. Genis asked if the extra parking area was a necessity. Mr. Rorrer said the parking area was only created so cars would not be blocked in his driveway.

Chairman Bergstrom asked if anyone else would like to speak for or against the applicant.

Mr. Don Cunningham, 3192 Rosebay Blvd., Norton, Ohio, 44203, approached the Board and stated he was a neighbor of Mr. Rorrer. He said he and his wife did not have any issues with this Home Occupation. He said the employees are only part time and adequate parking was available. Chairman Bergstrom thanked Mr. Cunningham for his comments. Mr. Bill Helmick asked Mr. Pritchard if any other businesses were operating in the City like this one. He asked if any of these businesses offered minimal employees and required phone lines only. Mr. Pritchard said the City does have other Home Occupations operating within the City. He said these businesses mostly fax and use the internet. He stated these types of businesses usually have no outside noises and disturbances that would be disruptive to the neighborhood. He said the City has received no complaints on any of the Home Occupations that have been approved previously. Chairman Bergstrom asked if this business would change, would it be required to go through this process again. Mr. Pritchard said yes. He stated if any modifications were done, this process would need to be repeated. Mr. Genis said he previously asked if the additional parking was necessary. He said he wanted to clarify that this additional parking was not necessary. Mr. Rorrer said the extra parking was not necessary. Mr. Genis said the neighborhood was substantially altered with the additional parking in the front of the home. Mr. Helmick said this would be conforming to the rest of the neighborhood without the additional parking. Chairman Bergstrom thanked the applicant.

Chairman Bergstrom asked the audience three times if anyone else would like to speak for or against the Applicant; no one spoke.

Chairman Bergstrom asked if there were any other questions; there was none.

**Chairman Bergstrom called for a motion. Mr. Droppleman moved to approve BZA Application HO2-2008, regarding the property known as 3183 Rosebay Blvd. PPN 4605628, Norton, Ohio. Requesting to Operate a Type B Home Occupation Business in a R-1 Single Family Residential Home. Previously this business was located in a residential area and locating from a residential area to a commercial area would create a financial hardship and be uneconomic for a business of this type. In addition, the additional gravel parking area is not permitted. Mr. Helmick seconded the motion. ROLL CALL: Mr. Droppleman-Yes, Mr. Helmick-Yes, Mr. Genis-Yes, Mr. Ocepek-Yes, Mr. Bergstrom-Yes. The motion passed 5-0, by Resolution No. 05-2008. The resolution was signed and processed accordingly.**

Chairman Bergstrom thanked the applicant and wished him luck with his new business.

Chairman Bergstrom asked if Home Dwelling Occupations required separate bathrooms. Mr. Pritchard said separate bathrooms would depend on the number of individuals occupying an individual residential unit. He said older systems might become an issue if many employees are involved. He said in the future, the Board should consider the additional load on a septic system.

Mr. Mike Droppleman asked the reason for this permit. He said it was not a hardship except for the fact that he would have to lease space for his business. Mr. Pritchard said this was a grey area because it was a Home Occupation, which was not necessarily a true variance. He said with gas prices and travel costs we will see more Home Occupations in the future. He said we need to make sure these types of Home Occupations are not a detriment to the neighborhood.

Mr. Genis asked if Home Occupations would apply to previous or past owners. Mr. Pritchard said they do not apply. He said once the use changes, terminates or changes activity, it would need to be brought before the Board again.

Mr. Droppleman asked if there was a classification of non-permitted Home Occupations. Ms. Ryan said it is based on the amount of employees and the size of the amount of space within the home that is to be used.

Chairman Bergstrom suggested creating a Home Occupation checklist for the Board. He said everyone could combine ideas to create a list for future use. He said he would email out a few ideas and others could add to it.

#### **IV. OLD BUSINESS:**

Chairman Bergstrom asked if there was any old business.

Ms. Ryan stated there would be another variance coming in next month for a front porch.

Mr. Pritchard said Van Hying Run by the Middle School is being considered for sidewalks and a bridge next year.

#### **V. NEW BUSINESS:**

Chairman Bergstrom asked if there was any new business.

Chairman Bergstrom reminded the Board Ms. Wells would not be attending the next BZA Meeting on Tuesday, May 20, 2008. He stated Mr. Ocepek would be needed at this meeting. Mr. Ocepek stated he would be available for the Tuesday, May 20th meeting.

Ms. Ryan stated a Type B Home Occupation would be discussed at the next BZA meeting. She said the only reason this application was a Type B was because it has two part-time employees with two cars (maximum allowed one employee/one passenger car). She said these cars would only be parked outside together and overlapping due to half day working shifts of each employee. She stated everything else with the application fit into the classification of a Type A Home Occupation.

Chairman Bergstrom asked if there was any other new business; there was none.

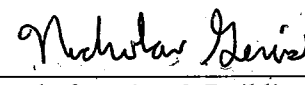
**VI. CONSIDERATION OF MINUTES:**

The minutes of Tuesday, May 6, 2008 were considered. **Mr. Droppleman moved to approve the minutes as submitted. Seconded by Mr. Genis. ROLL CALL: Mr. Droppleman-Yes, Mr. Genis-Yes, Mr. Helmick-Yes, Mr. Bergstrom-Yes, Mr. Ocepek-Abstain. The motion passed 4-0-1, approving the minutes as submitted. The minutes were signed and processed accordingly.**

**VII. ADJOURNMENT:**

Chairman Bergstrom announced the next meeting was scheduled for Tuesday, May 20, 2008, at 6:00 p.m. There being no further business coming before the Board, he adjourned the meeting at 7:13 p.m.

  
Board of Zoning & Building Appeals Chair/Vice-Chair

  
Board of Zoning & Building Appeals Vice-Chair/Member

6/10/08  
Date

**RESOLUTION**  
**BOARD OF ZONING & BUILDING APPEALS**  
May 20, 2008

**BZA RESOLUTION NO.:** 05-2008

**RE:** BZA Application HO2-2008  
3183 Rosebay Blvd./PPN 4605628  
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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:

PREVIOUSLY THIS BUSINESS WAS LOCATED IN A RESIDENTIAL AREA AND LOCATING FROM A  
RESIDENTIAL AREA TO A COMMERCIAL AREA WOULD CREATE A FINANCIAL HARDSHIP AND BE  
UNECONOMIC FOR A BUSINESS OF THIS TYPE. IN ADDITION, THE ADDITIONAL GRAVEL  
PARKING AREA IS NOT PERMITTED.

Vote on Motion: FOR 5 AGAINST 0 ABSTAIN 0

Therefore BZA Application HO2-2008, 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.

  
Board of Zoning & Building Appeals  
Chair/Vice-Chair

  
Board of Zoning & Building Appeals  
Vice-Chair/Member

5-20-08  
Date

