



# Planning Commission Memorandum

**To:** Karla Richards, Clerk of Council  
**From:** Pat Ryan, Interim Boards & Commissions Secretary *PR*  
**Date:** 1-29-09  
**Re:** Approved/Signed Planning Commission Minutes:  
Tuesday, January 13, 2009

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Attached you will find a copy of the approved/signed Planning Commission minutes from Tuesday, January 13, 2009.

Note that the original document has been forwarded to, and will be on file with the Clerk of Council for the official record.

**E-mail:** Mayor (per Admin. Asst.)  
Administrative Officer  
Finance Director  
Planning Commission  
Fire Chief  
Capital One

**cc:** Director of Planning & Community Development  
Superintendent of Building & Zoning  
Council  
Tom Jones (Council)  
William Mowery (Council)  
PC File/Posting

**City of Norton**  
**PLANNING COMMISSION**  
**Tuesday, January 13, 2009**

The Planning Commission (PC) of the City of Norton, Ohio, convened for a public meeting in Council Chambers of the Safety Administration Building. Chairman Spisak called the meeting to order at 6:00 p.m.

**I. ATTENDANCE:**

**PRESENT:** Mark Spisak, Todd Houser, Ralph Dowling, Janet Jacobs

**ABSENT:** John Conklin

**ALSO PRESENT:** Russ Arters, Superintendent of Building and Zoning  
Pat Ryan, Zoning Inspector

**II. PUBLIC APPLICATIONS:**

None

**III. OLD BUSINESS:**

Chairman Spisak stated the Commission Members received information on outdoor wood burning furnaces at their last meeting and he asked Mr. Arters for his comments.

Mr. Arters stated these furnaces are becoming more common. Some communities are regulating them and some, such as Barberton and other densely populated cities, are banning them. Norton still has some larger lots where these could be used. Mr. Arters stated he visited a dealer on Rt. 585 that sells the Hardy Furnace and picked up information from the salesperson, Mr. Rufener, which the Commission has before them. The Hardy brand wood burning furnaces are a hot water type, stainless steel unit. Mr. Arters stated he did not want to prohibit a property owner who had a large lot from using these but subdivisions, such as Mt. Vernon and Stonewyck where there are houses every 30 feet, should not be allowed to have these. Mr. Arters stated he is proposing this as a Conditional Use, so there is a review process where neighbors will be aware of the request and conditions can be attached. Mr. Arters explained he felt the vent stack height and the use of proper fuel would be the crucial factors in keeping the smoke from being a problem for the neighbors.

Ms. Jacobs stated there is a situation on Rockcut Rd. where the smoke from an outdoor furnace is a big problem for neighbors. Mr. Arters stated one problem is there are no regulations in the Building Code on the height of vent stacks yet, but that they are coming. Mr. Arters stated he is recommending setting a minimum height based on distance, which is the same as in the handout. Mr. Arters referenced the diagram in the handout that showed the minimum distances of 100 ft. from neighboring homes and minimum heights above neighboring structures. Mr. Arters stated the biggest problem the Environmental Protection Agency (EPA) sees is the quality of the fuel being used in these furnaces. Mr. Arters said if owners burn clean, seasoned wood there would not be a smoke problem. Mr. Arters also mentioned the quality of the unit could also be a factor in how efficiently they burn.

Chairman Spisak asked about regulating what someone burns and Mr. Arters stated unless you catch them it is difficult to regulate. He said you could give them the information for clean burning practices and hopefully they follow it.

Mr. Arters reviewed the other regulations he had looked into and stated some were more stringent on distances from neighboring structures. He has 100 ft. in his proposal. He stated the vent stack height would need to be considered because you would not want them to be 30 and 40 ft. high.

Mr. Houser said he felt that incorporating the manufacturer's specifications and allowing these on larger lots is good.

Mr. Dowling asked if anyone wanting to install one of these would need to come in for a permit. Mr. Arters said yes-it would require a Conditional Use Permit.

Chairman Spisak noted the minimum setback from any structure not being served by furnace was 50 ft. in the proposed document and asked if this was for detached accessory structures. Mr. Arters said yes, the 50 ft. is for accessory structures on neighboring properties. The Hardy salesperson stated these units could be placed anywhere from 10-200ft. from the primary residence being serviced but noted that the farther out you go the more heat loss you have.

Chairman Spisak questioned the 300 ft. radius in bold under section g. Mr. Arters explained there was a 100 ft-300 ft. distance from furnace to neighboring residence when determining the stack height and said this could be modified when someone came in for their Conditional Use Application. Mr. Arters stated he put in the 300 ft. as a precautionary distance, but it could be a 200-300 ft. range. That would keep the distance at more than the 100 ft. minimum and would keep it off the smaller lots.

There was discussion regarding the setback requirements and that there were no acreage limits or no lot dimension requirements other than the width. Mr. Arters stated that in order to prevent these from going on smaller lots, where they would not be appropriate, perhaps they could be prohibited in specific zoning districts such as R-3 or increase the lot width from 100 ft. to 125 ft.

There was discussion on the handout on wind turbines. Chairman Spisak asked about tying the wind turbines in with the outdoor wood burning furnaces.

Mr. Arters said he suggesting tying the alternative energy sources together and making them all Conditional Uses. This way the City would be able to have some control since these would be regulated on a case by case basis. Mr. Arters noted there are some small wind turbines that can be mounted on the roof and these would probably be most popular because we are not in a good area for the larger windmills/turbines. The Commission also briefly discussed adding solar power into these regulations as well.

Mr. Arters stated if the Commission was comfortable with what they discussed he would bring it back in ordinance form for them to review again before a public hearing was set.

Mr. Spisak asked if there was any other old business, there was none.

#### **IV. NEW BUSINESS:**

Chairman Spisak announced they have a letter requesting withdrawal of Application SPR3-2008 for 2431 Heritage Parkway, PPN# 4608239, Mr. Lamire Bradford-Owner, Mr. Albert Joyce-Agent. The Commission Members briefly discussed the project.

Chairman Spisak made a motion to approve Resolution 1-2009 to revoke and repeal approval of PC Application SPR3-2008 as adopted by PC Resolution No. 18-2008 on December 9, 2008, regarding the Major Site Plan Review Application for site improvements and new building on the property known as 2431 Heritage Parkway, PPN# 4608239 due to withdrawal of Application SPR3-2008 by applicant. This application was sent to the Board of Zoning Appeals for a variance. The BZA made a motion to accept the applicant's request to withdraw their Variance Application A16-2008 on January 6, 2009.

**Ms. Jacobs seconded. ROLL CALL: Mr. Dowling-yes, Ms. Jacobs-yes, Mr. Houser, yes, Mr. Spisak-yes. Motion passed 4-0. The Resolution was signed and properly processed.**

Chairman Spisak asked if there was any other new business, there was none.

**V. CONSIDERATION OF MINUTES:**

The minutes of Tuesday, December 9, 2008 were considered.

Chairman Spisak made a motion to accept the minutes for Tuesday, December 9, 2008 minutes as submitted; seconded by Mr. Houser. ROLL CALL: Ms. Jacobs-Yes, Mr. Dowling-Yes, Mr. Houser-yes, Mr. Spisak-Yes. Motion passed 4-0. The minutes were signed and processed accordingly.

**VI. ADJOURNMENT:**

Chairman Spisak announced they had a packet for Eastern Peak, a residential development by Pride One Norton, LLC and they will be reviewing this at the next meeting. The next meeting is scheduled for Tuesday, January 27, 2009, at 6:00 p.m. With no further business coming before the Commission, Chairman Spisak adjourned the meeting at 6:45 p.m.

  
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Planning Commission Chair/Vice-Chair

  
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Planning Commission Vice-Chair/Member

1/27/09  
Date