



# Board of Zoning & Building Appeals Memorandum

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**To:** Karla Richards, Clerk of Council  
**From:** Pat Ryan, Interim Boards & Commissions Secretary *PR*  
**Date:** 11-17-10  
**Re:** Approved/Signed Board of Zoning & Building Appeals Minutes:  
Tuesday, October 19, 2010

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Attached you will find a copy of the approved/signed minutes from the Board of Zoning & Building Appeals meeting held on Tuesday October 19, 2010. Please note that the original approved/signed minutes have been forwarded to, and will be on file with, the Clerk of Council.

**E-mail:** Mayor (per Admin. Asst.)  
Administrative Officer  
Finance Director  
Law Director  
Fire Chief  
President of Council/Council  
Board of Zoning & Building Appeals  
Capital One Realty  
Ryan Homes  
Builder's Exchange  
Building and Zoning Inspector  
Municipal Engineer  
Director of Planning & Community Development  
Superintendent of Building and Zoning

**cc:** BZA File/Posting

**City of Norton**  
**BOARD OF ZONING & BUILDING APPEALS**  
**Tuesday, October 19, 2010**

The Board of Zoning & Building Appeals convened in Council Chambers at the Safety Administration Building. Chairman Nick Genis called the meeting to order at 6:00 p.m.

**I. ATTENDANCE:**

**PRESENT:** Nick Genis, Dan Grether, Bill Helmick, Don Welch and Angie Wells

**EXCUSED:**

**STAFF:** Pat Ryan, Zoning Inspector/Interim Secretary and Tom Ocepek, alternate member

**II. SWEARING IN:** Chairman Genis reviewed the procedural requirements for this hearing. Chairman Genis stated that this is a quasi-judicial Board and asked that anyone wanting to speak to sign the attendance sheet and stand to be sworn in. Chairman Genis administered the oath to those intending to speak at the hearing.

**III. PUBLIC HEARINGS:**

- A.) **A4-2010**  
**Brant and Julanne Novak, owners**  
**Regarding property known as**  
**3419 Ruth Dr./PPN 4603947**  
**Requesting a Variance from Section 1296.03(a)**  
**[To construct an accessory building in the side yard]**

Chairman Genis announced the application and stated the application was filed on October 1, 2010, and letters of notification were sent, as required, per section 6.03 of the City Charter. Mr. Genis asked the Applicant(s) to come forward and present the request. Mr. Brant Novak of 3419 Ruth Drive in Norton, Ohio came to the podium. Mr. Novak stated the reason for the variance request was due to the topography of their lot. The house sits on a hill and the proposed location is really the only place for an accessory building. Mr. Novak stated the size he is looking at is approximately a 42' x 24' or 30' x 40' building. Mr. Novak said he would keep the building 85' from the centerline of the road and no closer than 10' from the side property line or 6' from any other structure.

Mr. Genis asked if the building would interfere with the well or septic system. Mr. Novak replied that the well is in the front yard and the septic system is on the eastside of the house. Mr. Genis asked if the 85' setback was the same as the house. Mr. Novak said he was not sure, he did not measure in relation to the house. Ms. Ryan stated that she believes she told Mr. Novak that he would need to keep the building behind the front line of the house to keep from needing another variance. Mr. Genis said he saw another small building and asked if that building would be removed. Mr. Novak said they currently have 2 smaller sheds, one is about 8' x 12' and the other is about 12' x 15' and the larger would be removed. Mr. Genis asked if Mr. Novak knew of any other side yard accessory buildings in the area. Mr. Novak said there is one adjacent to him but none other than that. Mr. Genis asked what the building would be used for. Mr. Novak stated it would used to store vehicles, a trailer, bikes, motorcycles, and mower. Mr. Novak said there is currently no garage. Mr. Novak said the purpose for the building is so the can get things out of his house and move his workshop out to the building so he could finish the basement. Mr. Genis asked what the construction would be. Mr. Novak said they are looking at a pole barn with aloft and vinyl siding on the exterior.

Chairman Genis asked if any of the Board members had any questions.

Mr. Grether said he did not see a distance from the house to the garage on the drawings. Mr. Novak said it would be approximately 30' to 35'.

Mr. Novak stated he had tools and materials he has been using to work on the house as well as baby items that he would like to move out so he has more room in the basement.

*Board of Zoning & Building Minutes*

*Submitted by: Pat Ryan, Interim Boards & Commissions Secretary/Stenographer*

*\*\* Notes: These Minutes are not verbatim. \*\**

*\*\* Due to the large size of Attachments, they will be kept with the Official Record in the Clerk of Council's files\*\**

Mr. Welch asked why he wanted to keep the small building. Mr. Novak said the building is in good shape so if he didn't have to move it or remove it he would like to keep it. Mr. Novak said originally he wanted to add on to the 2 buildings but one is at an angle so an connecting them was not feasible.

Mr. Grether asked what the overall height would be. Mr. Novak said he said the ones he has been looking at are 17' to 20' tall and he knew of the 21' limit.

Ms. Ryan stated that the neighbor to the west called the other day and was not able to be at the meeting but said she had no problem with the garage location and feels they really have nowhere else to place it.

Ms. Wells asked how the drainage would be handled. Mr. Novak said he had not gotten to that yet but the natural slope of their property is to the north and the house downspouts go to the rear (north) so he would probably do the same for the garage.

Mr. Genis asked if there were any more questions from anyone, there were none. There was no one in the audience to speak for or against the variance. The Board recessed to discuss the application.

The Board reconvened and Mr. Genis asked for a motion. **Mr. Grether made a motion to approve Variance Application A4-2010 regarding 3419 Ruth Dr. PPN 4603947 for Brant and Julanne Novak, owners to allow the construction of an accessory building in the side yard for the following reasons and with the following conditions:**

1. The structure may not be closer to the road, known as Ruth Drive, than the furthestmost frontage of the home – must be, at minimum, flush with the front of the home.
2. [Variance is granted ] due to the topography.
3. All downspouts [go] to the rear of the property to protect neighboring lots.
4. Maintain side yard setback of 10'.
5. Building must conform to all Norton building and zoning codes.

Motion was seconded by Mr. Helmick. ROLL CALL: Ms. Wells-Yes, Mr. Helmick-Yes, Mr. Grether-Yes, Mr. Welch-Yes, Mr. Genis-Yes. Motion passed 5-0.

**IV. OLD BUSINESS:** None

**V. NEW BUSINESS:** None

**VI. CONSIDERATION OF MINUTES:**

Chairman Genis asked if there were any corrections to the minutes of August 3, 2010. There were none. **Mr. Welch made a motion to approve the minutes as written. Mr. Grether seconded. ROLL CALL: Ms. Wells-Yes, Mr. Helmick-Yes, Mr. Grether-Yes, Mr. Welch-Yes, Mr. Genis-Yes. Motion to approve passed 5-0.**

**VII. ADJOURNMENT:**

There being no further business before the Board the meeting was adjourned at 6:41pm. The next scheduled meeting is November 16, 2010.

*N. Genis*

Board of Zoning & Building Appeals  
Chair/Vice-Chair

*Nov 16, 2010*  
Date

*[Signature]*  
Board of Zoning & Building Appeals  
Vice-Chair/Member

*Pat Ryan* *11-16-10*  
Secretary Date



**RESOLUTION**  
**BOARD OF ZONING & BUILDING APPEALS**  
Tuesday, October 19, 2010

**BZA RESOLUTION NO.: 6-2010**

**BZA Application A4-2010**  
**Regarding the property known as:**  
**3419 Ruth Dr./PPN 4603947**  
**Brant and Julianne Novak, owners**  
**Requesting a Variance from Section 1296.03(a)-Accessory Buildings**  
**[Allowing for an accessory building in the side yard]**

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:

- ① THE STRUCTURE MAY NOT BE CLOSER TO THE ROAD KNOWN AS RUTH DR. THAN THE FURTHER MOST FRONTAGE OF THE HOME. IT MUST BE FLUSH OR BEHIND THIS POINT.
  - ② DUE TO THE TOPOGRAPHY
  - ③ ALL DOWN SLOPES TO REAR OF PROPERTY TO PROTECT NEIGHBORING LOTS -
  - ④ MAINTAIN SIDE YARD MINIMUM OF 10'      ⑤ ~~ALL~~ BUILDING
- Vote on Motion: FOR  AGAINST  ABSTAIN

Therefore BZA Application A4-2010, requesting a size Variance is hereby:

GRANTED  DENIED  TABLED

This resolution shall be sent to:  
Administration for  action or  information, and Council for their  action or  information.

N. Gerin  
Board of Zoning & Building Appeals  
Chair/Vice-Chair  
10/19/10  
Date

Pat Ryan  
Board of Zoning & Building Appeals  
Vice-Chair/Member  
Pat Ryan      10-19-10  
Secretary      Date

MUST CONFORM TO ALL NORTON BUILDING / ZONING CODES.