



Board of Zoning & Building Appeals Memorandum

To: Karla Richards, Clerk of Council
From: Pat Ryan, Interim Boards & Commissions Secretary *PR*
Date: 6-16 -10
Re: Approved/Signed Board of Zoning & Building Appeals Minutes:
Tuesday, May 18, 2010

Attached you will find a copy of the approved/signed minutes from the Board of Zoning & Building Appeals meeting held on Tuesday May 18, 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, May 18, 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: Tom Ocepek

STAFF: Pat Ryan, Zoning Inspector/Interim Secretary

II. SWEARING IN: Chairman Genis reviewed the procedural requirements for this application. Chairman Genis stated that this is a quasi-judicial Board and asked that anyone wanting to speak needed 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.) Application HO2-2010
To consider the Application filed by
Denver and Marsha Rorrer, owners
Regarding the property known as:
3183 Rosebay Blvd./PPN#4605628
Requesting an amendment to Home Occupation Permit
HO2-2008 to allow for a gravel parking area adjacent to
the existing concrete driveway.

Chairman Genis announced the application and asked the Applicant to come forward and explain his request. Mr. Denver Rorrer of 3183 Rosebay Blvd. came to the podium. Mr. Rorrer stated he is asking for approval of the gravel parking area he had put in next to his concrete driveway for the part-time employees working in his home business. Mr. Rorrer stated he needed some additional room because his driveway is too narrow, it has a curve to it from when it was installed in 1958 and does not allow for a good traffic flow for him and his wife as they come and go throughout the day.

Chairman Genis asked if the scope of the business changed from the original application in 2008 Mr. Rorrer responded that nothing has changed other than business has slowed down but the business has not changed.

Chairman Genis asked Mr. Rorrer to define his employees and how they work. Mr. Rorrer stated he has 2 part-time employees, no one works a total of 40 hours per week but there is a period of time when they are both there. Mr. Rorrer explained Monday through Friday one employee comes in between 8:30 and 9am and leaves early afternoon and the second employee comes in about 10:30-11am and stays until approximately 5pm.

Chairman Genis asked if the overlap is about 2-3 hours. Mr. Rorrer stated it is between 2-4 hours depending on how busy they are and some days there is no overlap at all or only one employee comes for the entire day. Mr. Rorrer said the work schedule is very flexible depending on their schedules and his need.

Chairman Genis asked if he has had any complaints from neighbors regarding the gravel area. Mr. Rorrer replied, not that he is aware of. Mr. Rorrer said in the future he would like to concrete the gravel area but that depends on cost. Chairman Genis asked how far in the future. Mr. Rorrer said within a year and that his goal would be by fall before the bad weather comes.

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

Board of Zoning & Building Approved 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 how much of the drive would be done because Mr. Rorrer stated earlier he would like to re-do the drive and take it out to the road. Mr. Rorrer said he wanted to do the gravel area, it would be extremely expensive to do the whole drive now, and at the most it would be the gravel area to the road. In the future he would like to replace the old drive and at that time straighten it out.

Mr. Helmick referred to the minutes from the original Home Occupation hearing in 2008 and read that Mr. Genis asked Mr. Rorrer early in the hearing if additional parking was needed and Mr. Rorrer responded, yes. Mr. Genis went on to say in the minutes that he felt the neighborhood would be substantially altered if additional parking were in front of the Rorrer house. Mr. Helmick said that in the minutes Mr. Rorrer then said additional parking was not needed. Mr. Helmick said, in the 2008 minutes, that this would be conforming to the rest of the neighborhood-without additional parking.

Mr. Helmick stated these questions were asked in 2008 to ascertain if Mr. Rorrer would need any additional parking in the future, if he was going to expand the business and to both questions Mr. Rorrer answered there would be no expansion, there would be 2 part-time employees and there would be no problems with parking. Mr. Helmick asked, based on Mr. Rorrer's statements in 2008, why did the extra parking area occur.

Mr. Rorrer responded by stating the original gravel parking area on his drawing in 2008 was a completely different plan in that it was to have an area for 2 cars in front of the unattached garage totally off the driveway. Mr. Rorrer went on to explain that what he has now is more than widening the drive, he is not creating a parking lot as the original plan showed. Mr. Rorrer said that originally he didn't want the parking pad but thought it was more of a requirement in order to accommodate the employee parking and to have the business approved. Mr. Rorrer stated he did not think the parking would be a problem but unfortunately after his wife ran into more than one of the employees cars it has become more of an issue. Mr. Rorrer stated the drive he has is not really a 2-car width drive-it is a little over 16' wide and a single car drive is 12'.

Mr. Helmick said one thing that bothers him when they do home occupation approvals is that they go over the requirements with the applicants and are very careful about what both sides agree to so if there are any changes the applicants come back before any changes are made. Mr. Helmick explained this Board asks very detailed questions and expect the applicants to follow the conditions imposed on them or their business. Mr. Helmick said he was disappointed that in 2008 Mr. Rorrer stated he did not need any additional parking and now is asking for the space after it is in place.

Chairman Genis stated that as he remembers from the original application they discussed the number of employees and wanted to make it clear that Mr. Rorrer be very conscious of the overlap in employee's time and keep it to a minimum to keep to the one employee allowance as much as possible. Mr. Rorrer stated the overlap does not happen on a daily basis. Chairman Genis stated he did have a call from one neighbor who did object to the gravel area.

Ms. Wells asked if she was correct in saying that if there were only one employee Mr. Rorrer would not need the gravel area. Mr. Rorrer said that was correct.

Mr. Grether read Section 1298.08(d)(2)(B) of the Norton Codified Ordinances, which refers to home occupation parking and stated there were other ordinances that state off-street parking areas should be paved with a dustless, durable, all-weather material.

Chairman Genis asked if anyone in attendance would like to speak for or against the application.

Mr. Don Cunningham of 3192 Rosebay Blvd. came to the podium and stated he lived across the street from the Rorrers for over 20 years and he was here at the original hearing. Mr. Cunningham said that on behalf of himself and relatives on either side of him that were unable to come to the meeting he had a few questions for the Board regarding the notification he received. Mr. Cunningham asked that when a complaint is filed with the City is the complaint signed by the person complaining. Ms. Ryan answered that a complainant does not need to sign, they can be anonymous. Mr. Cunningham said that the business has been in operation for about 2 years and he has had no problems from across the street. Mr. Cunningham stated he understood the Boards concern about the gravel area and that the configuration of the drive does not make it easy but as a neighbor he has no problem with the gravel or would not have a problem if the drive were straightened to the street to get the curve out of it. Mr. Cunningham said regarding the employees he seldom sees more than 1 or 2 cars at a time and they do swap shifts, again he has no problem with this.

Chairman Genis asked twice more if anyone wanted to speak for or against the issue. No one came forward.

Chairman Genis asked if the Board wanted to caucus. They recessed to discuss the information presented.

Chairman brought the meeting back to order and asked if there was a motion. Mr. Welch made a motion to grant application HO2-2010 for Denver and Marsha Rorrer regarding the property located at 3183 Rosebay Blvd./PPN 4605628 for an amendment to Home Occupation Permit HO2-2008 to allow for a gravel parking area adjacent to the existing gravel driveway. The following reasons are hereby made to support this decision: this request is in compliance with Zoning Regulation 1298.03, it makes the requested area more conducive to the existing neighborhood and it will help the homeowner facilitate his cars, with the following conditions: 1) within 30 days of this motion the owners secure a reasonable bid for concrete work in place of the gravel area; 2) within 90 days of the date of the bid the owner installs a concrete drive to replace said gravel area and; 3) all work shall be must be done to the established codes of the City of Norton. Failure to do so will result in the revoking of BZA Resolution No. 3-2010. Ms Wells seconded the motion. ROLL CALL: Ms. Wells-Yes, Mr. Helmick-Yes, Mr. Grether-Yes, Mr. Welch-Yes, Mr. Genis-Yes. Motion to approve passed 5-0.

Chairman Genis closed the Public Hearing.

IV. OLD BUSINESS:

Chairman Genis asked if there was any Old Business. There was none.

V. NEW BUSINESS:


Chairman Genis asked if there was any New Business. There was none.

VI. CONSIDERATION OF MINUTES:

There were no minutes to approve.

VII. ADJOURNMENT:

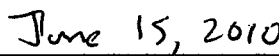
There being no further business before the Board the meeting was adjourned at 6:43pm.




Board of Zoning & Building Appeals
Chair/Vice-Chair



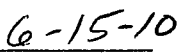
Board of Zoning & Building Appeals
Vice-Chair/Member



Date



Secretary



Date

**BOARD OF ZONING & BUILDING APPEALS
AUDIENCE ATTENDANCE RECORD**

The following individuals were present at the Meeting of the Board of Zoning & Building Appeals, held on **Tuesday, May 18, 2010.**

PLEASE PRINT YOUR NAME CLEARLY

(PLEASE NOTE: P.O. BOX ADDRESSES ARE NOT PERMITTED)

NAME:	STREET ADDRESS (NO PO BOX):	CITY & ZIP CODE:
<u>Don Cunningham</u>	<u>3192 Rosebay Blvd</u>	<u>Norton 44203</u>
<u>Denver Korrey</u>	<u>3183 Rosebay Blvd.</u>	<u>Norton Ohio 44203</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

Signed: Pat Ryan
Stenographer

RESOLUTION
BOARD OF ZONING & BUILDING APPEALS
Tuesday May 18, 2010

BZA RESOLUTION NO.: 3-2010

BZA Application HO2-2010
Requesting an amendment to Home Occupation Permit HO2-2008
To allow for a gravel area adjacent to the existing
concrete driveway for parking
Denver and Marsha Rorrer II, owners
Regarding the property known as
3183 Rosebay Blvd./PPN 4605628 in Norton, OH 44203

The Board finds that the reasons set forth in the application justify the Approval of the Home Occupation Permit. X Yes No

A motion is made to X Grant Deny the Application Request and the following reasons are hereby made to support the decision of the Board:

This Request is in compliance with Zoning Regulation 1298.03. Also, it ~~make~~ ^{MAKE} the requested area more conducive to the existing neighborhood AND it will help the homeowner facilitate his car with the following conditions:
1. within 30 days of this motion the owners secure a reasonable bid for concrete work in place of the gravel area. 2, within 90 days of the date of the bid the owner installs a concrete drive to replace said gravel area. 3. All work must be done to the established codes of the City of Norton. Failure to do so will result in the Revoking of BZA Resolution # ~~HO2~~ ³ -2010.
3

Vote on Motion: FOR 5 AGAINST 0 ABSTAIN 0

Therefore BZA Application HO2-2010, Amendment to Home Occupation Permit HO2-2008 for gravel parking area adjacent to the existing concrete driveway, is hereby:

GRANTED X DENIED TABLED

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

N. Genis
Board of Zoning & Building Appeals
Chair/Vice-Chair

May 18, 10
Date

Wm Helmick
Board of Zoning & Building Appeals
Vice-Chair/Member

Pat Ryan 5-18-10
Secretary Date