



# 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:** 6-16 -10  
**Re:** Approved/Signed Board of Zoning & Building Appeals Minutes:  
Tuesday, May 11, 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 May 11, 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 11, 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 wanted 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.) Application HO1-2010**

**To consider the Application filed by  
Christopher and Diane Clinton, owners**

**Regarding the property known as:**

**4443 Rockcut Road/PPN 4604853**

**Requesting a Home Occupation Permit for**

**An Auto Repair & Auto/Electrical Diagnostics Business**

Chairman Genis announced the application and asked the Applicant to come forward and explain his request. Mr. Christopher Clinton of 4443 Rockcut Rd. came to the podium. Mr. Clinton stated a reason he and his wife would like this application considered is that he recently had a full time job in the healthcare field that was downsized so he thought about going back to his original occupation, which was an auto mechanic. Mr. Clinton explained he already repairs cars for most of their extended family and friends, has always had training and an interest in this area, and this was a valid option for him as he goes forward. Mr. Clinton stated in the past he's had a medical career that was full time and did repair work on the side, now he would like to turn the equation the other way. Mr. Clinton said another reason is that he and his wife have 3 young children and he was not spending much time with them. This business would allow him to be home, to take them to and from school since his wife has a full time job. Mr. Clinton stated he does not feel he will have any impact on the residential feel of the community, he tries to keep his area very clean and organized because he also lives there and also wants it to feel residential. Mr. Clinton noted several of his neighbors came to the hearing that have no objections to his proposal. Mr. Clinton asked if the Board had any questions for him.

Chairman Genis asked how Mr. Clinton was going to dispose of waste products such as oil, filters, parts, etc. Mr. Clinton stated he has an oil caddy that he takes to the Marathon on Wooster Road, which is a certified oil-recycling center. Mr. Clinton said the caddy works well because it pumps the oil directly into their tank so there is no spillage or dirty containers. Mr. Clinton noted if he does have any oil that spills on his concrete pad he soaks it up with an appropriate product and disposes of it in an industrial dumpster. Mr. Clinton explained he needs to sign when he takes oil in so they know where the oil came from. Mr. Clinton said he is not a Lube Stop, that he checked into the EPA standards to make sure he would be compliant and, on average, he does about 15-20 gallons a month and pays about .10/gallon to get rid of the oil. Mr. Clinton further explained that if he does an oil change it is the result of other diagnostic or mechanical work he is already doing. Mr. Clinton said any oil filters are captured and placed in an industrial dumpster that he shares with Bob's Heating and Cooling adjacent to his home. Mr. Clinton said all the scrap metal is kept in 55 gallon drums that are under cover and he takes them to PSC scrap in Barberton. Mr.

Clinton said that covers about all the waste he has, he doesn't do any air conditioning work so he doesn't have any freon waste products and any antifreeze waste he may have is taken by another gentleman who uses it to winterize different pieces of equipment at an industrial site where he works.

Mr. Genis asked if he had tire disposal. Mr. Clinton stated any tires he gets he takes to Willig Tire on Wooster Rd. and pays about \$1.50 to dispose of them. Mr. Clinton said he has a tire machine at his shop and when he buys tires from Willig Tire they will take the old tires for free. Mr. Clinton said right now he has about 15 tires stacked next to the 55 gallon drums but they have value and are for his personal vehicles.

Mr. Genis inquired into the noise of ratchet guns and like equipment. Mr. Clinton stated he does use those and that although his lift is outside he does have quite a bit of sound barrier due to the fencing, the way his building sits and other things. Mr. Clinton noted he has asked the neighbors if noise is a problem and they have all stated to him it is not. Mr. Clinton further stated the neighbors below them have said they can hear noise if they go into their front yard. Mr. Clinton said he tries to keep any noise to within normal business hours and he feels that the garbage trucks and delivery trucks that come to the business next to him make more noise than he does. Mr. Clinton stated it is just him, he has no one working for him and he generally works on one car at a time and primarily uses the air ratchet when he is working on tires. Mr. Clinton said the air compressor and those types of equipment are in the building so they are well shielded and if it is later in the evening he does things by hand so he does not disturb the neighbors.

Mr. Genis questioned if Mr. Clinton would have up to 5 cars staged as mentioned on his application. Mr. Clinton said he believes he put in 3-5 cars and that he does have an area to park the cars. Mr. Clinton said generally what he does is take in a car the day before he works on them and depending when they pick them up, he may have it for a few days. Mr. Clinton noted he does have 4-5 cars of his own, they are all licensed, insured, operable and he uses them throughout the year. Mr. Clinton stated he does not intend to keep vehicles for scrapping or for long term storage.

Mr. Genis asked if he would do any salvage work. Mr. Clinton said no but on occasion people have decided, after his review, a car is too far gone to repair and he usually will call a junk yard to take it. Mr. Clinton said if he does any scrapping it is pieces, parts, chunks of metal that are already broken down to where a scrap yard can take them directly.

Mr. Helmick asked if the applicant had any intention of expanding his building for this business or indoor work. Mr. Clinton said he really didn't and explained the lift is outside because he has plenty of room to work and in the winter he heats his house and garage with wood and to pull in a cold car takes a lot of BTU's so he found it is better not to do that. Mr. Clinton said the only thing he may consider would be a storage building perhaps at the back of the property but at this time he has no plans to build buildings for the business or expand the business beyond himself. Mr. Clinton stated there are other factors such as insurance that would be needed if he had employees-he plans to keep it as repair by appointment.

Mr. Helmick asked again, besides his wife doing some support work, did Mr. Clinton plan to add employees. Mr. Clinton again replied he did not.

Mr. Helmick asked if the future storage building that Mr. Clinton referred to was for storage of mowers and other household equipment. Mr. Clinton said he was storing a lot of things under awnings on either side of the garage and they have talked about adding a building at some point but have not pursued the variance that would be needed but if he did it would be used to store things like his boat, cars, but not for his business things.

Chairman Genis asked if Mr. Clinton would have a hardship with having one car in repair and only 2 cars staged to limit the number of vehicles. Mr. Clinton said that may be tough because people vary in when they pick their vehicles up and he can get some overlap. Mr. Clinton said he thought very hard about that question on the application when he put down the 3-5 number. Mr. Clinton further explained that sometimes it takes more than one day to finish a vehicle or he may have one on the lift and be working on a second one at the same time while he waits for a part or something.

Chairman Genis asked, in an effort to keep the area residential, if Mr. Clinton would be willing to not have any signage. Mr. Clinton said he would be willing to not put up any signs. Mr. Clinton stated he never has needed a sign

since most of his work is for family or friends and the only reason he would think of a sign was so people could easily locate him if they forgot where he was. Mr. Clinton said there is no drive up business, it is by appointment only.

Mr. Helmick asked if he was planning on expanding any parking areas. Mr. Clinton responded he was not, he has more than enough now.

Mr. Grether asked if Mr. Clinton had a contingency plan if the dumpster at Bob's Heating & Cooling were no longer available. Mr. Clinton said he has sealed containers on his property where he could keep waste and the trash gets picked up every Thursday. Mr. Clinton stated he has a well so he is very conscious of how he handles things.

Mr. Welch asked if he has considered any regulation that the EPA may put in place and how that may affect him. Mr. Clinton said yes, has researched this and has the EPA standards for auto shop owners. Mr. Clinton stated he was very concerned about the oil and the thresholds and he found the biggest concerns seem to be if someone is burning oil, which he will not do, and the volume that he handles is low. Mr. Clinton explained that he does a lot of electrical diagnostic work and more and more things are going that way. Most of the work he does is along these lines and really does not do oil work unless it is on his own vehicles or is the result of other work he is doing. Mr. Clinton stated the 15-20 gallons a month that he does puts him below the EPA's threshold of concern. Mr. Clinton said that if his application was approved tonight he plans to form an LLC and register with the EPA and anything else he needed that the city required.

Chairman Genis asked if anyone in the audience would like to speak.

Mr. Andy Hatala Jr. of 4448 Rockcut Road came to the podium and stated he has been a long time resident of Rockcut Rd. and is a neighbor of the Clintons. Mr. Hatala reviewed some of the history of the area. Mr. Hatala said the Clintons take very good care of their property, it is fenced so you really can't see what going on, he hears little to no noise and has no problems with what he is doing. Mr. Hatala said he would like to see Mr. Clinton get his business established there and stay there with the children, he feels it is a perfect place to raise children.

Chairman Genis thanked Mr. Hatala and asked if anyone else would like to speak for or against the application. No one came forward.

The Board recessed to discuss the information.

**Ms. Wells made a motion to approve Application HO1-2010 requesting a Home Occupation Permit for an Auto Repair and Electrical Diagnostics Business for Christopher and Diane Clinton regarding the property known as 4443 Rock Cut Rd./PPN 4604853. The Board places the following conditions on the business: 1) no further expansions occur including building expansion or employees and 2) no business signage be placed on the property. Mr. Helmick seconded the motion. ROLL CALL: Mr. Welch-Yes, Mr. Grether-Yes, Mr. Helmick-Yes, Ms. Wells-Yes, Mr. Genis-Yes. Motion passed 5-0.**

Chairman Genis closed the public hearing.

Mr. Helmick wished the applicant success with his business and recommended they obtain a copy of the minutes, once they are approved, so he has a copy of what he stated would and would not occur on the property.

#### **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:**

Chairman Genis asked if there were any additions or corrections to the minutes from March 30, 2010. There were none. Mr. Helmick made a motion to approve the minutes as written. Mr. Welch seconded the motion. ROLL CALL: Ms. Wells-Abstain, Mr. Helmick-Yes, Mr. Grether-Yes, Mr. Welch-Yes, Mr. Genis-Abstain. Motion to approve passed 3-0-2.

**VII. ADJOURNMENT:**

There being no further business before the Board the meeting was adjourned at 6:42pm.

*Nicholas Genis*

Board of Zoning & Building Appeals  
Chair Vice-Chair

*Wm. E. Helmick*

Board of Zoning & Building Appeals  
Vice-Chair Member

*June 15, 2010*

Date

*Pat Ryan*

Secretary

*6-15-10*

Date

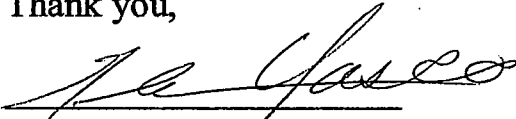


Monday, May 03, 2010

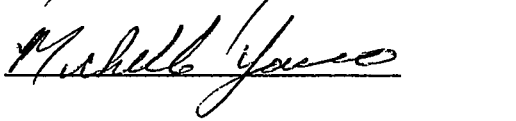
To the Board of Zoning & Building Appeals,

Due to prior reservations out of state we are unable to attend the Public Hearing on Tuesday May 11, 2010, at 6:00pm to speak **FOR** the approval of BZA Application HO1-2010 Home Occupation Permit Request for an Auto Repair & Auto/Electrical Diagnostics Business of Christopher and Diane Clinton, Regarding their property known as: 4443 Rockcut Rd. PPN 4604853, Norton, OH 44203

Thank you,



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Glenn & Michelle Yasco  
3717 Ora Ave  
Norton, OH 44203

**RESOLUTION**  
**BOARD OF ZONING & BUILDING APPEALS**

Tuesday May 11, 2010

BZA RESOLUTION NO.: 2-2010

**BZA Application HO1-2010**  
**Requesting a Home Occupation Permit for an**  
**Auto Repair & Auto/Electrical Diagnostics Business**  
**Christopher and Diane Clinton, owners**  
**Regarding the property known as**  
**4443 Rockcut Rd. PPN 4604853 Norton, OH 44203**

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

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

With the conditions that no further expansion occur including building  
expansion or employees and that no business signage be placed  
on property.

Vote on Motion: FOR  AGAINST  ABSTAIN

Therefore BZA Application HO1-2010, Home Occupation Permit for an Auto Repair & Auto/Electrical Diagnostics business, is hereby:

GRANTED  DENIED  TABLED

This resolution shall be sent to:

Administration for  action or  information, and Council for their  action or  information.

Ni Genis

Board of Zoning & Building Appeals  
Chair/Vice-Chair

May 11, 10  
Date

Anita Wells

Board of Zoning & Building Appeals  
Vice-Chair/Member

Pat Ryan  
Secretary

5-11-10  
Date