



NORTON

Mayor David L. Koontz

Board of Zoning & Building Appeals Memorandum

To: Karla Richards, Clerk of Council
From: Rebecca Lukats, Interim Boards & Commissions Secretary *RL*
Date: 12-14-11
Re: Approved/Signed Board of Zoning & Building Appeals Minutes:
Tuesday, June 7, 2011 and Tuesday, September 27, 2011

Attached you will find a copy of the approved/signed minutes from the Board of Zoning & Building Appeals meetings held on the above listed dates.

Please note that each 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
Superintendent of Building and Zoning
Finance Director
Law Director
Engineer
Fire Chief
President of Council/Council (7)
Board of Zoning & Building Appeals (5)

CC: BZA File/Posting

City of Norton
BOARD OF ZONING & BUILDING APPEALS
Tuesday, June 7, 2011

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

I. ATTENDANCE:

PRESENT: Dan Grether, Bill Helmick, Don Welch, Angie Wells and William Courson

STAFF: Russ Arters, Supt. of Building and Zoning

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

III. PUBLIC HEARINGS:

- A) **BZA Application A3-2011**
3744 Wadsworth Road/ PPN4603701
Michelle Messner, DVM, Owner
John Kistler/A+ Sign & Graphics, Agent
Requesting a Variance from
Section 1289.06(a)(2)(A) –Free-standing
Signs – To erect more than 1 Free-standing
sign on a lot
and a 25 foot height Variance from
Section 1289.06(a)(2)(B) –Free-standing
Signs – To erect a freestanding pole with
banner sign.

Chairman Grether announced the application and stated the application was filed Tuesday, May 10, 2011, and letters of notification were sent via first class mail, as required, per section 6.03 of the City Charter. Chairman Grether asked the applicant to come forward and state his name and address for the stenographer, and present pertinent information regarding the application.

John Kistler, with business address of 833 Wooster Rd. North, Barberton, Ohio., addressed the Board as the applicant. He stated the application was for the Creekside Animal Clinic to erect a sign higher than what they have now because they sit in such a low area. He said he took some photos that he brought with him and presented to the Board. He explained the direction of the signs. Mr. Kistler stated it would make it more visible coming up St. Rt. 21 or Wadsworth Road to see their establishment. Mr. Kistler marked two x's on the pictures, stating the property was fairly deep, approximately 500-600 feet deep. He said there was also a lake at the south end of the property. Mr. Kistler said they would be coming about 60 feet from the lake towards Wadsworth Road and about 32 feet from the fence line on St. Rt. 21 in towards their property.

Chairman Grether asked if the 25 foot variance was for visibility from the highway or was it to clear the trees on the property. Mr. Kistler said it was a little of both. Mr. Kistler stated there are little and big saplings along St. Rt. 21, but there is a gap of 20 feet where there are no trees, that is where they want to erect the pole. Eventually when the saplings grow, it will cover the sign.

Mr. Bill Helmick asked who owned the trees and if they were part of the property. Mr. Kistler said no, they are on the City's side of the right-of-way on St. Rt. 21. He stated the trees on the other side of the fence might belong to the State of Ohio.

Mr. Kistler stated in the application, he presented a layout of the pole installation and the two banners. Mr. Kistler said they are simple pole banners that are two-sided. He went on to explain what was printed on the banners.

Chairman Grether asked if he was requesting a pole that was 30 feet, as the exposed height above the soil line. Mr. Kistler said he didn't think so, because the pole is only 30 feet and then they will bury it. There was discussion about how high the pole was and what was allowed in the code. Mr. Russ Arters, Superintendent of Building and Zoning, said it is basically 33 feet and we allow 8 feet, so the difference is 25 feet, hence the variance for that amount.

Chairman Grether asked if there was anything else Mr. Kistler had to present. Mr. Kistler stated no, they are just asking for the variance to be allowed, so that the business can be seen better from the roadway.

Ms. Angie Wells asked if it will be illuminated, and what was the life expectancy of the banners. Mr. Kistler stated that it would not be illuminated, and stated the life expectancy of the banner using 18 ounce material would be 4 to 5 years before it would have to be changed.

Mr. William Courson asked if there was a mast on top. Mr. Kistler said there was a mast, one on top and one on the bottom so banner is strung between them; they are tied with grommets. Mr. Courson stated that since they install these, he assumes that their company did all the wind loading on these. Mr. Kistler said yes, they could withstand up to 140 mph winds.

Chairman Grether asked any Board members if they had any other questions; hearing none he thanked the applicant.

Chairman Grether asked if anyone wanted to speak for the application; no one spoke.

Chairman Grether asked for the second time if anyone wanted to speak for the application; no one spoke.

Chairman Grether asked for a third and final time if anyone wanted to speak for the application; no one spoke.

Chairman Grether asked if anyone wanted to speak against the application; no one spoke.

Chairman Grether asked for the second time if anyone wanted to speak against the application; no one spoke.

Chairman Grether asked for a third and final time if anyone wanted to speak against the application; no one spoke.

Hearing no other questions from the Board, Chairman Grether closed the public portion of the meeting to caucus.

The Board returned and Chairman Grether asked for a motion. **Mr. Helmick moved to approve the variance request from Section 1289.06(a)(2)(A) –Free-standing Signs – To erect more than 1 Free-standing sign on a lot and a 25 foot height Variance from Section 1289.06(a)(2)(B) –Free-standing Signs – To erect a freestanding pole with banner sign for BZA Application A3- 2011, Michelle Messner, DVM, Owner and John Kistler/A+ Sign & Graphics, Agent, Regarding property known as 3744 Wadsworth Road/ PPN4603701 by Resolution 6-2011 with no conditions: The Motion was seconded by Mr. Welch. ROLL CALL: Mr. Helmick–Yes; Mr. Welch– Yes; Ms. Wells- Yes; Mr. Courson-Yes; and Chairman Grether- Yes. Motion to approve carried 5-0.**

The Chairman stated the variance was approved and thanked the applicant. Mr. Kistler was advised to see Mr. Arters the next day to procure a Zoning permit for the signs.

IV. OLD BUSINESS: General discussion had on several zoning issues of abandonment of houses, etc. in the City.

V. NEW BUSINESS: None

VI. CONSIDERATION OF MINUTES: None

VII. ADJOURNMENT:

There being no other business before the Board, the Chairman adjourned the meeting at 6:22 P.M. Since no filings came in for the meeting of June 21, 2011, the Board's next scheduled meeting will be July 19, 2011, at 6:00 PM.


Board of Zoning & Building Appeals
Chair/Vice-Chair


Board of Zoning & Building Appeals
Vice-Chair/Member

12-13-11
Date

RESOLUTION
BOARD OF ZONING & BUILDING APPEALS

Tuesday, June 7, 2011

BZA RESOLUTION NO.: 6 – 2011

BZA Application A3-2011

Regarding property known as:

3744 Wadsworth Road/ PPN 4603701

Michelle Messner, DVM, Owner

John Kistler/A+ Sign & Graphics, Agent

Requesting a Variance from

Section 1289.06(a)(2)(A) –Free-standing

Signs – To erect more than 1 Free-standing

sign on a lot and a 25 foot height Variance from

Section 1289.06(a)(2)(B) –Free-standing

Signs – To erect a free-standing pole with

banner sign.

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:

Vote on Motion: FOR AGAINST ABSTAIN

Therefore BZA Application A3-2011, requesting a Variance is hereby:

GRANTED 5_(RSL) DENIED 0_(RSL) TABLED

This resolution shall be sent to:

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


Board of Zoning & Building Appeals
Chair/Vice-Chair

6/7/11
Date


Board of Zoning & Building Appeals
Chair/Member

6/7/11
Secretary Date

