

City of Norton
BOARD OF ZONING & BUILDING APPEALS
March 19, 2019

The Board of Zoning & Building Appeals convened in Council Chambers at the Safety Administration Building; Vice Chair Chrisant called the meeting to order at 6:40 PM and apologized for the late start of the meeting. This was followed by the Pledge of Allegiance and a moment of silent prayer.

I. ATTENDANCE:

PRESENT:

X	Donald Welch	X	Bill Helmick	X	Sandy Chrisant
X	Andrew Mullins		Nick Genis		

EXCUSED:

Donald Welch	Bill Helmick	Sandy Chrisant
Andrew Mullins	X Nick Genis	

ALSO PRESENT: Bill Braman, Zoning Inspector; Jack Gainer-Ward 1 Councilman; Charlotte Whipkey-Council at Large

II. SWEARING IN:

Vice Chair Chrisant reviewed the procedural requirements for the night's hearing. Vice Chair Chrisant proceeded by stating that this was a quasi-judicial Board and advised that anyone wishing to speak needed to sign the attendance sheet, giving their name and address before being sworn in prior to speaking.

III. PUBLIC HEARINGS:

Vice Chair Chrisant called the hearing open on BZA Application A2-2019 and stated it was requesting a variance to section 1296.03 of the Code to place a structure behind the home. Vice Chair Chrisant asked the applicant or agent to come forward, be sworn in, state his/her name and address for the record, and present pertinent information regarding the application. Katherine Turinsky, the applicant of 4140 Reimer Rd., was sworn in:

- A. BZA Application A2-2019
Katherine and James Turinsky – Owner
4140 Reimer Rd.
PPN # 4606243/4606244
[A Variance for 1296.03/ Structure in rear of home.]

Ms. Turinsky – We have a side yard that we cannot really use for anything and we would like to put a pool in it. It's a very big area and it will be a permanent above ground pool. I have two different appraisals showing where we will be working with it. We plan on a four foot, white vinyl fence around it and Rose of Sharons surrounding that. I have pictures for you of the property also. One of the pictures shows a shed that we would like to have to store the pool equipment.

Mr. Helmick-Does the pool encroach on any side yard? There are plenty of borders there

Ms. Turinsky-It is completely in my side yard; if you look at the one survey, you will see the area. The yard has over 80 foot there and it is 101 feet from the back up to the road.

Ms. Chrisant-You don't have a back yard?

Ms. Turinsky-We do have a small back yard; it is pictured in the small white fenced in area picture, but it is not big enough to put this and doesn't get any sun.

Mr. Helmick-So you not in any case encroaching on any side yards. You have enough distance?

Ms. Turinsky-Yes. If you look at the original drawing, the pool will be over 30 feet from the property line and around 35 feet from the road. Lighthouse Pools of Absolute Pools is who is installing it.

Mr. Helmick-Mr. Braman, have you see all these?

Mr. Braman-I have. I have no issues. She has a small farm behind her house and it would be impractical to put it back there and then it would be in the shade.

Ms. Chrisant-I am curious why that position on the lot? Why not further back?

Ms. Turinsky-Because we have a circular driveway that goes all the way back.

Ms. Chrisant-I am still looking at these. Do you have three parcels?

Ms. Turinsky-No, just two. If you notice with what we submitted originally, we also put in papers for having French drains on both sides and across the front in case something would happen with the pool.

Mr. Helmick-I think the French drains are a good idea in case something happened and there was a leak.

Vice Chair Chrisant stated that having heard the testimony of the applicant, is there was anyone wishing to speak for or against the application? Please approach the podium, sign in, state your name and address, and be sworn in.

Mr. Vernon J. Neugebauer, 311 Oak Grove Drive, Portage Lakes, approached the podium and was sworn in.

Mr. Neugebauer- My mother passed away January 6th after living there for 20 years. Her husband built the house in 1978. Ms. Turinsky put a fence up 2 years ago, 15 feet from the property line, right by the 3 bedrooms and they want to put the pool right there. Currently the house is in a trust and will either be sold or I and my wife may move there. Mr. Braman knows we have had massive problems with these people over the years. They have a barn 50 feet off the property line and the ordinances say it should be 300 feet off a property line. They have a massive shed and manure back in the back; they have had horses, pigs, and goats. We feel it diminishes our property value. I have pictures and you have them; we have an acre of land and they have two. Mr. Braman has been out and seen we have several issues. We have a stream that they blocked off for their horses. I am getting a hold of the Army Corps of Engineers. On the federal level ODR, I live on Portage Lakes, you are not allowed to dam up a creek going through properties. We have massive water on my Mom's property back in the back where the horses are at. Mr. Braman was out there two years ago; I had the safety director out there. With its problems and now they want to put this pool in. The three bedrooms on that side and I do not know what the offset would be if we go to sell or we move there; we just feel it will diminish the value. I am not against them having a pool, but it's not the spot for it and they have various structures and a pasture where the pool could go. They ran a commercial company there. Norton is trying to make a nice community and you have to enforce the zoning. I don't see the permits for the fences, we have barn problems, a tall manure pile and all different kinds of animals. It was all open back in 1978 it was all open with no fences. They added a lean to onto the barn.

Mr. Mullins- That doesn't pertain to this issue so I am not concerned with the history.

Paula Neugebauer, 311 Oak Grove Drive, Portage Lakes, approached the podium and was sworn in.

Ms. Neugebauer-As I understand it, this is to grant a variance for a structure in their side yard. Just because someone has another structure in their rear yard does not justify destroying the integrity of the neighborhood to put a pool right outside someone's bedroom window. The decision here tonight is going to help decide whether they want to move to Norton as I want to live in a community where things are done fairly, regulations mean something, and things just aren't ignored as they have been in this case. Either uphold what's in place for the benefit of all the citizens or I would call the integrity of these procedures in question.

Ann Burke, 502 Heron Bay, Wadsworth, approached the podium and was sworn in.

Ms. Burke-I am here representing 4154 Reimer Road which is my Mother's house that we now own. One of the biggest problems we have had is two years ago we had a couple of people from the Zoning department. As my brother had stated, no trespassing signs were put on my Mother's property, probably at least 3-4 feet onto our property. I know she stated that her land has been surveyed a couple of times, but she would not show it to us. We asked the zoning department about seeing it and we did not see it. We brought up the waterway issue and feel the ball was dropped two years ago. I have no problem with them having a pool, just not in that spot and the property line needs to be defined. I know they want to add on more fence, but not on our property. The fence they have up looks great, but the question is whether it is on their or our property. We will be hiring a surveyor soon to find out as soon as the weather permits as it is terribly wet back there. We never had a problem with water until they moved in and everything got blocked. Since then, the basement has flooded several times and the trees died from all the water soaking the yard in the back. It has been nothing but problems since the animals were moved in. We did google maps of the property when the previous people lived there versus now and you can see it is much different. It seemed that the water previously flowed from my Mother's house towards Hametown Road. I feel the first thing needing resolved is where the property line is located. It seems so many of the property pins have been moved and makes the survey they had one questionable as it was people they knew from their business. We need a new survey done to see.

Bernard Paridon, 4128 Reimer Road, Norton, approached the podium and was sworn in.

Mr. Paridon-I am the property just east. I have no problem with the pool; it's fine. They are great neighbors who take care of their property; it looks better than it has ever looked and they help out everyone within the neighborhood. As far as water run-off, it's been there since 1995 when I bought the property and they were even around. It comes out of the woods and rolls through there. It has been worse recently, but the storms we've had in the past five years have been worse than he has ever seen it. It is nothing against them; it is just Mother Nature.

Vice Chair Chrisant asked again if there was anyone wishing to speak for or against the application?

Ms. Burke-One of the reasons he doesn't have a problem is because his property is going to be on the opposite side and will not see the pool. As far as the water, it has been blocked on our side and not his; I am surprised he even has water. My other brother, who lives in Florida, has pictures showing that when it rains it is like a river coming towards the house and they never had that problem before. It smells from the animal manure all summer and the pile is huge; I wouldn't want to live next to that

Mr. Mullins-I have a question for the applicant, could you please come back up to the podium? Looking at this map, I see a pasture; what do you keep in there and how much space is back there?

Ms. Turinsky-Two horses and I do not know exactly how much space.

Ms. Chrisant-What is your total amount of land?

Ms. Turinsky-We have like 2.86 acres.

Mr. Welch-How many outbuildings do you have?

Ms. Turinsky-We have: an 8 x 10 shed behind the garage for feed; a 20 x 20 two car garage; back in the brown fenced in area there is another 8 x 10 shed and a tarp shed for hay; and there is a red barn with three stalls for the horses that is listed as 16 x 34

Ms. Chrisant-Were those all there when you moved in?

Ms. Turinsky-The barn was there; we added the sheds and fence. We had a permit for the fence and stuff from Russ Arters.

Ms. Chrisant-Did you ever have a pin survey done?

Ms. Turinsky-Yes, we have had two of them. They were actually just out there the other day surveying the Kaufman Camp and he verified our pins again. As for what they are talking about on the water way back there, that water starts behind the house on the other side of them and there is a ditch directly cut that you can see is manmade onto our property. We have welcomed the water into the property; it comes straight into our property still.

Ms. Chrisant-Will the French drain have any impact on the water issue at all?

Ms. Turinsky-If anything, it will suck up and pull water.

Mr. Braman-The drainage issue that is in question about the surface water at the back of the property is probably sixty feet away from where we are talking now. I don't think it will interfere or help either way.

Mr. Mullins-Directly behind your house, that is all a treed area or what?

Ms. Turinsky-Yes, There are four trees in there.

Mr. Mullins-Mr. Braman, have you seen the site and how busy is it back there?

Mr. Braman-I have seen it on numerous occasions. I don't know if that is a fair question because what do you clarify as busy?

Mr. Mullins-I am talking about the treed area and the pool going back into that area.

Mr. Braman-Where there is probably space to put a pool without taking away fence, they would have to remove trees.

Mr. Mullins-How much space do you have to legally have for horses?

Mr. Braman-It is a Summit County guideline to have one acre per horse. Keep in mind that as Mr. Neugebauer stated, his step-dad helped build the barn originally, probably way before our zoning code. As far as the manure, we have had Summit County Health involved and they are okay with it as they apparently met their requirements on it. The trees that were in question as to why they were dead, it wasn't because of the water; it was because they were infested with the ashbore; they were ash trees. There was always a question on the property line and they have spent the money; I have advised Mr. Neugebauer on numerous occasions that if he questions the property line, it is his responsibility to have it surveyed. Their fence is clearly on their property according to the survey that had been performed. The waterway in the back, if it is blocked up, it is blocked up on their property. Our engineer's been out, the service director has been out and we have all

looked at it. We advised Mr. Neugebauer at that time as well if these are issues he feels are directly responsible from his neighbor, those are all civil issues. We are not going to be involved and this is the first I have heard on this in two years. So if there are continued concerns, please contact me.

Ms. Turninsky-We actually had a couple more of their trees fall upon our property just recently and we just cleaned them up. We didn't say anything; we just cleaned it up as that was one of the issues. The dead trees and all the ash trees all the way down the property line were dying.

Mr. Helmick-That is very common in this area.

Mr. Welch-The length of your property, is how long?

Ms. Turinsky-I believe it is like 488 feet.

Mr. Welch-Are you using all the way straight back clear to the end of your property line?

Ms. Turinsky-Yes.

Mr. Welch-The majority of that is taken up by your horses?

Ms. Turinsky-Yes, by pasture.

Mr. Welch-And your septic system flows where?

Ms. Turinsky-It's in the middle of our front yard; in front of the house.

Mr. Welch-Outside of your back yard, right at your back door, you basically have a lot of trees. From the shed, which are equal to the 16 x 34 foot red barn; from the red barn back, that's all pasture land?

Ms. Turinsky-That whole area has like three trees in it; two up by the road and one at the corner of the garage. That is all open pasture.

Mr. Welch-So a good portion of your two lots is in pasture? And you have how many horses?

Ms. Turinsky-Yes. We have two horses.

Mr. Welch-Your only argument, as I understand it, for not wanting to put the pool in the back yard is due to the trees back there?

Ms. Turinsky-There are trees back there; the back yard is small. There are trees back there and they would all have to be cut down to put the pool back there. We enjoy the shade in the back yard.

Ms. Chrisant-Just to clarify, one more time; the placement of where you are putting this pool is how far off from their property and your lot is 120 feet wide?

Ms. Turinsky-89 feet and that is a 33 foot pool. We can come another 10 foot over.

Ms. Chrisant-That would be her idea as a compromise; to just move it over.

Mr. Neugebauer-There are 30 acres of treed lots. This pasture is huge; 2.33 acres. At one time they had pigs, goat, and horses. There is an Ohio tree law that says if a tree goes down and falls on their side or hits their fence, their insurance handles it. Two years ago, when she complained, Mr. Braman came out and I had my tree guy come out and we trimmed all the trees. We had no problem with it; we have plenty of money in my Mom's estate and there is no problem with that. She threw my tree guy out and he wasn't even on her

property. I did not want to deal with her anymore. So Mr. Braman and the City hired a tree company that we paid directly to them for \$1400 to come out and \$2200 more this year. The problem is this was open land out there and now we have the fencing and all the structures. How many structures are allowed on a property as we cannot see it on the ordinances we have. There are two football fields of land in the back. The guy next door, he is on the other side and doesn't get affected by any of this. The water thing, that will be getting dealt with real fast here; there was no water before she blocked it off. How do we get this taken care of here. I believe the safety director and the zoning did a pretty poor job.

Vice Chair Chrisant-This is not the meeting for that.

Vice Chair Chrisant stated that having heard the testimony of the applicant is there anyone else wishing to speak for or against the application?

Vice Chair Chrisant asked again is there anyone else wishing to speak for or against the application

Vice Chair Chrisant asked for the third and final time if there was anyone present wishing to speak for or against the application? Hearing none, and everyone present being given the opportunity to speak at the public hearing, I now declare the fact finding portion of this hearing closed. At this time, the Board will discuss the application and may ask additional questions of the applicant until a decision is reached.

Mr. Welch-I see two issues facing us. Number one of course is about they wish to build a structure in the front portion of the lot. Number two, which is the underlying one and why I was asking the questions, is the fact that they have over two acres and the outbuilding/structural space allowed is 1,728 square feet. They have complied with all that and they have 488 square feet left. My concern is the fact that we now, according to Section 1296.08(b) Swimming Pools and Structures, their proposed pool is considered a structure requiring a permit and other applicable code used to decide on. I fear that the pool size, along with everything else, is going to exceed the 488 square feet they have left. They would then be exceeding the footage permitted for the lot and asked Mr. Braman on it.

Mr. Braman- I did not count it against the square footage; I counted it as the rear of the home.

Mr. Welch-My concern, and maybe I am off, is the language concerning the other applicable ordinances.

Mr. Braman-I don't know that we have a clear answer to that, to be honest. I read it and viewed it as a structure, and did not count it as a covered structure as I view it, but as a structure to be behind the home.

Mr. Helmick-I think it is Mr. Braman's job as a zoning inspector. It is his decision to determine and I don't know what the answer is as to whether it is a structure like a building or not.

Mr. Welch-Okay, well I will withdraw that issue all together. I will go back to the other and the fact if there is a need established here. The need has not been on the applicant's part; there is no need here. There is ample space in the back, other than the fact, they would obviously have to remove some trees and they do not want to do that. Had their back yard sloped and they could not put the pool in, a need would have existed. Therefore, I am making a motion to deny this application.

Mr. Mullins seconded the denial motion.

Vice Chair Chrisant asked if there was any more discussion?

Ms. Chrisant-I guess I agree that there isn't a hardship present and is what we use for decision making.

Vice Chair Chrisant called for a vote on the motion:

For:

X Donald Welch X Bill Helmick X Sandy Chrisant
X Andrew Mullins Nick Genis

Against:

Donald Welch Bill Helmick Sandy Chrisant
Andrew Mullins Nick Genis

Motion Passed 4-0 The variance application has been denied.

Mr. Braman stated that the city defines accessory building and structures as two separate definitions. The accessory building does not use language as structure. So I think we did it the right way.

Mr. Welch pointed out that the language is not stopping them from putting it in the rear yard.

Vice Chair Chrisant closed the hearing on Application A2-2019

Vice Chair Chrisant called the hearing open on BZA Application A3-2019 and stated it was requesting a variance to section 1296.03 of the Code to build a pole barn before a home. Vice Chair Chrisant asked the applicant or agent to come forward, be sworn in, state his/her name and address for the record, and present pertinent information regarding the application. Kenneth Boersma, of 940 Flanders Drive, Wadsworth, the applicant, was sworn in:

B. BZA Application A3-2019
Kenneth Boersma – Owner
PPN # 4607274
[A Variance for 1296.03 (a) Pole Barn built before home.]

Mr. Boersma-This is for a parcel of land that does not have a mailing address at this time so we just go by the parcel number. I am asking for a variance for a garage, pole barn type building so I can house my tractor and hay equipment in it. There are thirteen acres of hay field and six acres of woods on the property. I would like to keep the tractor and hay and mowing equipment out there rather than in Wadsworth and not have to drive it back and forth. So I've asked for the variance to build the building before I build a home.

Ms. Chrisant-Do you have plans on building a home there?

Mr. Boersma-Yes, I do. We don't have a date or actual plans of the house, but the plan is to do the house and I plan to live on the property.

Ms. Chrisant-How big is this lot again?

Mr. Boersma-It's nineteen acres.

Ms. Chrisant-You farm and sell the hay; are you the guy I get behind on the road? Is it a source of income?

Mr. Boersma-If it was on Greenwich Road, it may have been me. It could be a small amount of income. It is not what I make my living from; it's more of a hobby. I have a plastics manufacturing company and I keep my tractor there in Wadsworth. We used to have a larger farm, but have reduced it down to just this acreage now.

Mr. Welch-How long does it take you to drive from where you are storing it at now? And what street or streets are you going on?

Mr. Boersma-It takes me thirty minutes; it's about six miles. If I am leaving the property to go back, I take Hametown south to Greenwich and then Greenwich west to Wadsworth as my factory is in the south part of Wadsworth where I keep it now.

Mr. Welch-Looking at the map, you plan to put the building off to the left behind the smaller parcel beside you where there is a keyhole type of affect.

Mr. Boersma-Yes, it shows 747 feet going back. At that corner, there is an oil tank as there is an oil well on the property. Then the property line goes left for 175 feet and right in that area where I marked the map. It will be at least 20 feet away from the property to the east of me and 60 feet away from the property south of me. I felt I could tuck it away in that corner rather than put it out in the middle of the hay field somewhere.

Mr. Mullins-You have two pictures here; one with a five door barn and one with 3 doors, which way would you be going with this?

Mr. Boersma-It is probably going to be the three door. I gave the five door one earlier and then I tried to be more accurate with the three door and it will be more like the one with the three door.

Ms. Chrisant-Where is the driveway at?

Mr. Boersma-If you are looking over at the satellite picture, where it says 747 feet that is the driveway. I checked with the gas company that has the oil tank as they have an easement to get to the oil tank and pump to enhance the drive and use it. They were fine with that.

Mr. Helmick-Do they own the easement?

Mr.Boersma-They do own the easement and they would keep the drive anyway and they felt it would be better for them if he enhanced it.

Mr. Mullins-Mr. Braman, what are the requirements for keeping away from an oil tank; is it the same for a residence or just any building?

Mr. Braman-It is the same for any building. Currently, our ordinances state 300 feet, but the state has changed it from 300 to 100 feet. We have run into cases before where we had to honor the 100 feet from an oil tank.

Mr. Mullins-How far will the building be from that tank?

Mr. Boersma-I had asked and hadn't received an answer from the owners of the tank. They did then tell me that there were no regulations unless it was something we were living in. So thank you Mr. Braman for enlightening me as I could not find that. I would have to move the building over some then as right now I was looking at about 60 feet away from it. I will address that, now that I know.

Vice Chair Chrisant stated that having heard the testimony of the applicant, is there was anyone wishing to speak for or against the application? Please approach the podium, sign in, state your name and address, and be sworn in.

Ms. Carrie Tomko Valentine, at 1058 Raven Place, Apt. 310, Wadsworth, approached the podium and was sworn in.

Ms. Valentine-I have four points to make in favor of Mr. Boersma's application. I have farmed with him upwards of six years. My first point is he is an excellent steward of the land and preserving agricultural land. Secondly, Summit County has been designated the property as an agricultural property and it makes sense to have a place to park the equipment. Thirdly, it is deemed by the U.S. Federal government to be prime farmland and is referenced as such web civil survey that I sought out; so in order for it to continue to be maintained in this manner, it would seem to be necessary to have the equipment there. Lastly, I will quote Ms. Chrisant saying "Are you that guy driving down the road on a tractor?" It is a safety issue; drivers can get frustrated being behind a tractor. Mr. Boersma is requesting to not be that guy driving down the road on a tractor and wants to locate the vehicles on the property for his own and others safety in Medina and Summit County.

Vice Chair Chrisant stated that having heard the testimony of the applicant, is there was anyone wishing to speak for or against the application? Please approach the podium, sign in, state your name and address, and be sworn in.

Jack Gainer, 3920 Akron-Wadsworth Road, approached the bench and was sworn in.

Mr. Gainer-I am speaking in favor of it. I have been back in there several times and I know the right of way that he is discussing and I see no reason why he couldn't build that barn there. I have not spoken to them, but I don't believe any of the neighbors would have an objection to it.

Vice Chair Chrisant asked again is there anyone else wishing to speak for or against the application. She asked for a second time.

Vice Chair Chrisant asked for the third and final time if there was anyone present wishing to speak for or against the application? Hearing none, and everyone present being given the opportunity to speak at the public hearing, I now declare the fact finding portion of this hearing closed. At this time, the Board will discuss the application and may ask additional questions of the applicant until a decision is reached.

Mr. Welch- I am thinking on: the nature of the property; how it is being used; where the structure would be located; that there is an indirect need for safety reasons, as well as considering road repair; and there are tentative plans for a home built later. It occurs to me, that when the home is built there could be an issue as to where it was placed due to the barn possibly being in front of the house.

Mr. Braman-I believe that when that comes about, either the home will be located correctly or the barn could be moved by then or he will be back here again for another hearing.

Mr. Welch-I am willing to support a motion granting the variance with the only stipulation being the structure did not exceed 1,728 square feet.

Mr. Helmick-And it be built to code.

Mr. Welch-I agree and it be the one proposed within the application with three doors as a 36 x 48 foot building.

Mr. Helmick seconded the proposed motion.

There was further discussion as whether there was a limitation on the size and there was not with the amount of land in question. The only issue was there was no house for the structure to be behind and that was the reasoning behind limiting the square footage.

Mr. Welch-I want the limitation not only because there is no home, but so we don't end up with a long warehouse. He has met the requirement of establishing a need.

Mr. Helmick called for the question.

Vice Chair Chrisant called for a vote on the motion:

For:

X	Donald Welch	X	Bill Helmick	X	Sandy Chrisant
X	Andrew Mullins		Nick Genis		

Against:

Donald Welch	Bill Helmick	Sandy Chrisant
Andrew Mullins	Nick Genis	

Motion Passed 4-0 The variance application has been approved.

Vice Chair Chrisant closed the hearing on Application A3-2019 and thanked those in attendance for their patience.

Vice Chair Chrisant called the hearing open on BZA Application A4-2019 and stated it was requesting a variance to section 1296.04 (1) of the Code on Set Back Requirements for 2661 Barber Road. Vice Chair Chrisant asked the applicant or agent to come forward, be sworn in, state his/her name and address for the record, and present pertinent information regarding the application. David Smith, of 1930 Partridge Lane, Akron, the agent, was sworn in:

C. BZA Application A4-2019
First Chair Properties – Owner
2661 Barber Rd.
PPN # 4608248
[A Variance for 1296.04 (1) Set Back Requirements.]

Mr. Smith-We are here for a variance on a front yard setback of 50 feet; it would be the property formerly known as the Red Pepper. The new owners would like to build a warehouse facility and the property is really unique as it has three front yard setbacks. Many times you have a corner lot where you have to deal with two front yard setbacks, but in this case there is Barber Road, Summit Road, and Clark Mill Road all circling this property. As it moves to the north, it converges to an angle that pinches off the property. The owner would like the warehouse to face Barber Road to get their service vehicles in and off the road. This is compounded by the fact that there are two easements running through the property containing waterlines. Summit Road presents a problem with the setback cuts off the corner of the proposed building so we are requesting a variance of 37 feet off of Summit Road.

Mr. Helmick-I am very familiar with that location. Where exactly does that 50 foot setback start at; at the junction?

Mr. Smith-It is just the northeast corner of the building that runs into the setback.

Mr. Mullins-Is there any reason why you cannot use Summit Road as the entry point and have the building facing that direction so you don't have a setback problem?

Mr. Smith-I would say there is someone here from the company that could probably speak better on that.

Mr. Welch-As he is signing in, what exactly are you going to be putting into the building?

Mr. Braman-They are actually set for Planning Commission next week as well.

Mr. Helmick-Are you going to modify this structure?

Mr. Mullins-They are taking down the existing building.

Gabe O'Neil, of 904 Lynn Haven Lane, Akron, was sworn in:

Mr. O'Neil-It's a warehouse for prepping and loading equipment onto flatbed trucks and working on maintenance from time to time for spray painting. This company, based on what they do, is they do line striping, cones and barrel renting for the state of Ohio, West Virginia, and Pennsylvania for long term safety and they are intending this to be their new main office area.

Mr. Helmick-So it will be a new building?

Mr. O'Neil-The warehouse will be a brand new building; the existing building is going to be converted into new offices. We will make it nicer looking than it is right now. More than anything, they will have a single wash bay in the new building to clean trucks as they come in off the road. The other bays will mostly be used to load and unload trucks and vehicles out of the weather.

Mr. Welch-The original question was what would prohibit moving the building to comply with the setback?

Mr. O'Neil-As far as the amount of space we require to operate the business, we are starting to push the thresholds where in a couple years we won't have it. In working out how to operate the best, we positioned the building like this because for one reason we wanted to stay far off the easement area. We could move the building over 15 feet, but I don't feel comfortable being that close to the new sewer main and water lines.

Mr. Mullins-That is actually not the question though. You have the building facing Barber Road; Summit is also an easy access, why not face it?

Mr. O'Neil-Part of the reason is the way we have it set up is for the electrical signs and Summit Road is the easiest place to place our charging stations. It is basically a center where it has a spot for plug-ins for the signs to be plugged into it. We are trying to make it so we do not have to push these way out into the lot and control the cost of how much we are spending on those. When you get into those heavy electrical loads and the amounts of stuff that is there, it can start to encroach upon where we could store other stuff. Plus, from what I've been told, the plan is to abandon Summit Road in the near future or in the future anyways to not have it. Once that would happen, the setback would be moot point. I know it is not a 100% fact that it is going away, but that it is probably going to happen. At that point, that road will get split down the middle with half coming to our property and the other half going to the City of Norton; then there would be no setback issue. This setting is as much for, how would I say it, it is far more efficient to run everything this way; it really is.

Mr. Helmick-I have a question for Mr. Braman. Somewhere near Frashure Park Estates, when I was on Council, we put a sewer line to replace a station over there. Where does it come through here? I think it is on Barber Road.

Mr. Braman-If I am not mistaken, where he speaks of the main water lines, I believe one is a supply and one is a return. I think those are the only utilities that are there. I think that once we get on the other side of the street, I believe that is where the sewer lines are as they actually meet in the middle of the intersection.

Mr. Helmick-I thought that line came down Barber Road.

Mr. Braman-It may, but I think it is off of their property.

Mr. Smith-I am pretty sure when we looked that up, yes, it is right down the center.

Mr. Braman-That would make sense as it is right in the middle of the intersection on Wadsworth Road.

Mr. Helmick-I just wanted everyone to know there was a sanitary sewer system within that complex.

Mr. Braman-And just to add to the information on the position of that building, it also assists them with probably easier access as far as being able to move some bigger trucks in and out of there. They have like a model system that we would like everybody to go through. They actually have a real plan for everything: traffic, parking, gates, fence and it has been a pleasure working with them. They have a good plan and we are real anxious to add them to our City.

Mr. Helmick-It would be nice to have another lane out over there.

Mr. Braman-We have actually had brief talks with them about Summit behind them as it is a cost thing to the City to maintain it and it is so close to the creek. I think you all know we just want to stay away from that creek as much as we can. We have some things we can talk to them about the intersection at Summit and Barber that would assist us in moving forward with that. I has been in discussion with them as well as the previous owner.

Vice Chair Chrisant stated that having heard the testimony of the applicant is there was anyone wishing to speak for or against the application? Please approach the podium, sign in, state your name and address, and be sworn in.

Vice Chair Chrisant asked a second time if there was anyone present wanting to speak for or against the application?

Mr. Gainer-I would like to speak in favor of it as I am familiar with of some of this. I agree with some of what Mr. Braman said. I believe there are some plans for that area and feel they would be a good company to work with so I would be 100% in favor of it.

Vice Chair Chrisant stated that having heard the testimony of the applicant is there was anyone wishing to speak for or against the application? Please approach the podium, sign in, state your name and address, and be sworn in.

Vice Chair Chrisant asked a second time if there was anyone present wanting to speak for or against the application?

Vice Chair Chrisant asked for the third and final time if there was anyone present wishing to speak for or against the application? Hearing none, and everyone present being given the opportunity to speak at the public hearing, I now declare the fact finding portion of this hearing closed. At this time, the Board will discuss the application and may ask additional questions of the applicant until a decision is reached.

Vice Chair Chrisant opened it up the Board for comments.

Mr. Welch-We are talking 13 feet as the difference here. Given the fact, although we cannot count it as Summit Road not being there, I do not see 13 feet being a major hindrance to our zoning. It is not infringing upon anything as Barber is probably the heavier traveled. I would be in favor of this and would make a motion to grant them the variance to ease the restriction as far as the setback.

Mr. Mullins seconded the motion.

Vice Chair Chrisant called for a vote on the motion:

For:

X Donald Welch X Bill Helmick X Sandy Chrisant
X Andrew Mullins Nick Genis

Against:

Donald Welch Bill Helmick Sandy Chrisant
Andrew Mullins Nick Genis

Motion Passed 4-0 The variance application has been approved.

Vice Chair Chrisant declared the hearing closed.

IV. OLD BUSINESS: None

V. NEW BUSINESS: None

VI. APPROVAL OF MINUTES: None

ADJOURN:

Meeting adjourned at 8:09PM.


BZA Chair/Vice Chair


BZA Vice Chair/ Member
Temp.

July 16, 2019
Date

Minutes recorded by Shannon Szittai