

**City of Norton**  
**BOARD OF ZONING & BUILDING APPEALS**  
**April 17, 2018**

The Board of Zoning & Building Appeals convened in Council Chambers at the Safety Administration Building; Chairman Andrew Mullins called the meeting to order at 6:00 PM. 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	X Miriam Norris (Alternate)

**EXCUSED:**

Donald Welch	Bill Helmick	Sandy Chrisant
Andrew Mullins	X Nick Genis	Miriam Norris (Alternate)

**ALSO PRESENT: Bill Braman and Robert Fowler**

**II. SWEARING IN:**

Chairman Mullins reviewed the procedural requirements for the night's hearing, Chairman Mullins proceeded by stating that this was a quasi-judicial Board and advised that anyone wishing to speak needed to sign the attendance sheet before standing to be sworn in.

**III. PUBLIC HEARINGS:**

- A. BZA Application A3-2018  
Arby's Restaurant Group, Inc.  
Owen Jay Kustner – Owner  
Arby's – Representative Don Ford of 96 Cust Rd., Middleburg, CT. 06762  
3193 Greenwich Road  
PPN # 4607220  
[A Variance for Larger Pole Signage]

Mr. Ford stated that since Arby's remodeled nine years ago, it has created a new prototype logo to replace the reader board and wishes to keep the current height.

Mr. Welch countered that with new construction and by exceeding the square footage, the code height limits apply.

Mr. Ford responded that this new form provides greater signage and that a lower height would put Arby's at a disadvantage to other businesses.

Ms. Norris pointed out that the new logo's "hat" is wider (squatter). She suggested that Arby's in other communities have adapted a lower sign (memorial format).

Mr. Ford respectfully disagreed, stating that taller signs are not going out of style. He stated that consumers would have trouble finding Arby's with the lower profile, while McDonald's and Wendy's both have taller signs.

Chairman Mullins stated that as an electronic sign, it is visible.

Mr. Ford stated that Norton Arby's is a franchise, not a corporate concern, implying that the lower profile is not available in this instance.

Ms. Norris stated that as viewed from Wadsworth, the lower sign would not only be attractive but quite visible. She added that anyone not already familiar with Norton's Arby's location would utilize a GPS or phone.

Mr. Ford stated that if new higher sign was not approved, the present sign would be maintained.

Ms. Chrissant stated that this would allow Norton to avoid setting a precedent of approving high signs, and noted that Stow is following the practice of moving to memorial sign heights.

Chairman Mullins asked if there were any others to speak for or against this proposal.

Mr. Braman stated that it was admirable to remodel a new logo, and while he was not pro or con Arby's, he pointed out that Arby's did seek redress of the situation through the proper channels.

Mr. Ford suggested that either Arby's would be allowed to change with the new image( and maintain the current height) or that other businesses would also be inclined to keep outdated signage rather than give up height.

Chairman Mullins replied that Arby's is still a known entity; sign height, in and of itself, is not a significant factor.

Ms. Chrissant stated that, as a realtor, she viewed Arby's intended investment as commendable, but felt that setting a precedent was to be avoided, and that hardship had not been established.

Mr. Helmick stated that based on past business experiences, he felt for management(Mr. Ford) and the pressure he faced, but believed that there was an obligation of Board members to Norton. He thanked Arby's for doing business here.

Chairman Mullins asked if there were any others to speak for or against this proposal.

Chairman Mullins asked if there were any others to speak for or against this proposal a second time.

Chairman Mullins asked if there were any others to speak for or against this proposal a third time.

Mr. Welch made a motion to deny the application.

Chairman Mullins called for a vote:

**For:**

X Donald Welch	X Bill Helmick	X Sandy Chrisant
X Andrew Mullins	Nick Genis	X Miriam Norris (Alternate)

**Against:**

Donald Welch	Bill Helmick	Sandy Chrisant
Andrew Mullins	Nick Genis	Miriam Norris (Alternate)

**Motion to Deny Application Passed**

- B. BZA Application A2-2018
- Chase Bank – Owner
- Kevin Shook – Agent
- Robert Fowler- (presenting) 4060 Columbia Woods Drive, Norton, OH 44203
- 4169 Cleveland-Massillon Road
- PPN # 4601762
- [A Variance for a Non-Conforming Minimum Side Yard]

Mr. Fowler stated that with the Cleve-Mass Road project set-backs changed, the building owner requested this variance for record purposes so that any proposed future transactions can proceed without issue.

Mr. Welch inquired if this would affect Gardner Blvd or the gas station side.

Mr. Fowler stated that was a matter of realigning only.

Mr. Welch expressed that he had no qualms granting this.

Ms. Norris acknowledged that this was a courtesy request.

Chairman Mullins asked if there were any others to speak for or against this proposal.

Chairman Mullins asked if there were any others to speak for or against this proposal a second time.

Chairman Mullins asked if there were any others to speak for or against this proposal a third time.

Chairman Mullins called for a vote:

For:

X Donald Welch	X Bill Helmick	X Sandy Chrisant
X Andrew Mullins	Nick Genis	X Miriam Norris (Alternate)

Against:

Donald Welch	Bill Helmick	Sandy Chrisant
Andrew Mullins	Nick Genis	Miriam Norris (Alternate)

**Motion Passed with stipulation that building structure itself does not change and remains compliant with new building construction codes for any future work.**

**Old Business:**

Minutes from the February BZA meeting needed to be reviewed and accepted.

Mr. Fowler interrupted the meeting to state that Norton was being sued due to Arby's denial and directed Chairman Mullins to focus the board on specific variance requests without digression. He further stated that remarks overheard by Mr. Ford led him to believe that the Board had decided to deny the variance before hearing arguments.

Mrs. Mullins (taking minutes) interjected that Mr. Ford appeared more invested in listening to conversation between Mayor Zita and Mr. Welch who had been sworn in as a Board member prior to the meeting's commencement.

Mr. Fowler stated that it was unclear whether Arby's would sue but should that be the case, he would represent Norton and the Board's decision.

**New Business:**

Mr. Fowler presented a training packet to BZA members and explained a variety of topics including, but not limited to:

- The Sunshine Law
- Agenda and minutes will now be composed by the newly hired Admin. Assistant.
- The City Charter
- Ethics training and legal problems (nepotism, public records, gifts, etc.)
- If agendas are not received, Mr. Fowler needs to be notified.

Chairman Mullins asked the protocol if a board member was requesting a variance?

Mr. Fowler stated that he should abstain and might even remove himself from the room during discussion of this matter.

With no further business, the meeting was adjourned at 7:45 PM.

  
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BZA Chair/Vice Chair

  
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BZA Vice Chair/Member

Date 6-19-2018  
Minutes recorded by Denise M. Mullins