

City of Norton
BOARD OF ZONING & BUILDING APPEALS
June 18, 2019

The Board of Zoning & Building Appeals convened in Council Chambers at the Safety Administration Building; Chairman Helmick 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 X Nick Genis

EXCUSED:

Donald Welch Bill Helmick Sandy Chrisant
Andrew Mullins Nick Genis

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

II. SWEARING IN:

Chairman Helmick reviewed the procedural requirements for the night's hearing. Chairman Helmick 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:

Chairman Helmick called the hearing open on BZA Application A7-2019 and stated it was requesting a variance to section 1296.03 (4) of the Code to build a garage. Chairman Helmick 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. Jerry Cummins, 2866 S. Cleveland Massillon Rd., Norton, was sworn in:

- A. BZA Application A7-2019
Jerry Cummins/Carol Gainer – Owner
2866 S. Cleveland Massillon Rd.
PPN # 4607348
[A Variance for 1296.03 to build a garage.]

Mr. Cummins- I want to tear one garage down and build a bigger one. It will be a four car garage. The original garage is just for one car and she cannot get her car in it.

Ms. Chrisant - What are you tearing down?

Mr. Cummins – I am tearing down the actual building. The building was there and someone put a garage door on it.

Mr. Genis – How large is that garage?

Mr. Cummins –The one standing there is about the size of a one car garage; you couldn't pull a regular sedan

into it and shut the garage down.

Mr. Genis – The dimensions would be 20 x 8?

Mr. Cummins – The garage door is 8 foot, so it's probably about 20 x 10 feet.

Mr. Helmick – Do you have a drawing for this?

Mr. Cummins – I have the actual drawing that Carter made up for me with the size and everything how it is going to be built. This is different from what is in the packet; it is what they are actually going to build.

Mr. Helmick and Mr. Mullins discussed that the drawing submitted was not the one being proposed by the applicant.

Mr. Mullins – The existing garage, is that attached to a building now?

Mr. Cummins – It's going to be a pole building garage with a slab inside it as it will be a lot cheaper.

Mr. Braman – I think some of the confusion is he has a barn in the back.

Mr. Genis – In summary of what I see here: between 3 and five acres, an applicant is allowed a total of 2000 sq. feet of accessory buildings; that is the maximum. However when I look at this layout, and the total means all the accessory buildings, you have five to six that I get as 2614 sq. feet. With the existing buildings, we are already over the maximum recommended footage. Sometimes these things are reviewed as excessive, and in my mind, this is excessive as you are already over by 600 and you want another 2000 sq. feet.

Mr. Cummins – The back one is a barn and is for animals.

Mr. Mullins – It is still considered an accessory building despite what it is used for.

Mr. Cummins – We're tearing down a 1920's building and getting rid of a piece of junk to put a nice building in.

Mr. Genis – We understand. The question I have is on the barn that is 1800 sq. feet. It says it is 40 by 6, but I think it is 30 by 6. What do you use the barn for? Is it usable?

Mr. Cummins – Animals; we have cows, goats, and chickens. We keep hay in the upstairs; I put \$17,000 in it two years ago. I had the Amish come in and update it. They told me that barn is 150 to 200 years old. All we are doing is adding money to the property.

Mr. Genis – Do we have anything in the zoning for 3-5 acres being classified as a family farm?

Mr. Braman – We have an agricultural district, but this is not in one. There is no issue as far as I can tell. The animals are far enough away from others and is probably what I would call a gap in our code. We have an existing barn that is used for animals and they have no place to park vehicles. It is not practical for them to attach the garage to their house with the current layout now and the cost. If they could attach it, they could put as large a garage as they wanted on there. I don't know what the final footage would be exceeding the 2000 sq. feet and don't know if you have looked at it as to how far from the street it is or not.

Mr. Genis – How far would the new garage be from the house?

Mr. Cummins – It has to be at least about 30 feet anyway; it is across the driveway.

Mr. Genis – And the leach bed is in front of the house; so what is preventing you from attaching the garage to the house?

Mr. Cummins – Aesthetics. It wouldn't be right. The kitchen is across the house. I wish we were having the

meeting over there and you would understand.

Mr. Helmick – I think what Mr. Braman just said here is relevant. From what I see this was an existing farm when BZA was first started. The acreage is there and everything else and just doesn't fit today's zoning as it did then. You and your wife have chosen to add a useable building to an old and existing farm; that is what Mr. Braman was saying to us. There may be no zoning restrictions today, up to date, for something that is described as this. We are making the best of what we have today to fit the option.

It was determined that it is currently zoned as an R-1.

Mr. Braman – Keep in mind, that the garage he will be building will be around 1280 sq. feet. We are counting a functional barn as an accessory building and I honestly do not know if that it fits an accessory building description. He is actually putting animals in it.

Mr. Genis – When I read the variance, I am seeing 2000 sq. feet; is that not true, is it actually 1280?

Mr. Cummins – It would be real close; I never figured it out.

Mr. Mullins – When you look at the size of it the way they are going to do it, it is 1100.

Mr. Genis – We can calculate it with tearing down a garage that is 10 by 20 so 200 sq. feet. Replacing it with one that is 1100.

Mr. Mullins – What is this tank listed?

Mr. Cummins – That is the septic tank. It is the septic system; I thought the building department would want to know where it was at. The property is huge. It goes back about 175 feet behind the barn.

Mr. Helmick – I remember back when I was on Planning and we were working on properties just like yours. They were existing farms that were there and we had to find what category to put them into the desired code. We didn't go into detail and cut them out to not allow someone to modify their property. That was turned down by City Council. That is why Mr. Braman is correct in what he was saying and I agree with him.

Ms. Chrisant – I need clarification. We have the barn in the very back; is there another building to the side of the barn and a greenhouse?

Mr. Cummins – That's a chicken coop. It's a portable chicken coop that I can hook to a truck and move.

Ms. Chrisant – I drove by and wasn't sure. So you have the little workshop, the barn, the little chicken coop, and you are taking down the other building to replace it with the garage; is that all you have on the property?

Mr. Cummins -- Yes, I'm pretty sure. She's put a lot of money into the house as she's lived there 30 years. I am looking to have the garage match the house siding with the doors in the front.

Ms. Chrisant – So the garage doors will face the house?

Mr. Cummins – Yes.

Mr. Braman – Just on the technical side, his wife is the actual owner listed on the property; so whenever we close and whatever the decisions are, if you could bring her up and state it for the record that he has permission to speak on behalf of that property.

Mr. Genis – I ran through the numbers on the size of the garage and came up with 1,156 sq. feet. We are removing an old garage of approximately 200 sq. feet. In essence and looking at the entirety of the property and it is being used as a pseudo farm, you are really asking for about 856 sq. feet in addition to what you already have. Considering the numbers, I do not think it is too bad of a compromise. In other words, we would accept their variance for 1100 sq. feet, which would be 856 over the current garage they are removing.

Mr. Mullins -- How tall is building and the pitch?

Mr. Cummins – The walls are 10 feet and it will probably be 6 foot; one is 6-12 and one is 4-12.

Mr. Welch -- So it will overall stay under the 21 foot building limit.

Mr. Braman – I have no issues with it and is why we have this Board.

Mr. Genis – It was originally 2000 and this will work. Did you say you have 2 cars you would be storing in there and have you considered reducing the size of the building?

Mr. Cummins – We actually have 3 trucks. What I want to do is have a 16 foot garage door for two trucks and with a 9 foot door for another on the other side.

Chairman Helmick asked Ms. Gainer to approach the podium to be sworn in with her address. Carol Cummins, 2866 S. Cleveland Massillon Rd., Norton, was sworn in and explained they were married, but she never changed the property name.

Ms. Cummins – I believe Jerry covered everything and what I would have to say.

Chairman Helmick asked Ms. Cummins to repeat that so, on the documents tonight, she would be the one with ownership and all the restrictions will be under her name. We want you to understand that.

Ms. Cummins – Yes, sir.

Chairman Helmick expressed his appreciation that Ms. Cummins brought it up and explained the situation so everything could be correct.

Mr. Mullins -- Did the rezoning of C-1 pass Council and what impact would this have.

Mr. Gainer – It did pass and all the residential were grandfathered in.

Mr. Braman – It still has the same footage requirements unless it changes to business from residential.

Mr. Gainer -- Unless the property is turned over to be commercial, it is under the residential code.

Chairman asked if anyone else on the Board had any more questions? There were none.

Chairman Helmick stated that having heard the testimony of the applicant, is there anyone wishing to speak for or against the application?

Chairman Helmick asked again if there was anyone wishing to speak for or against the application?

Chairman Helmick asked for the third and final time if 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 Wadsworth Road, Norton, OH, 44203 was sworn in.

Mr. Gainer – I am in favor 100% and see no problem at all. I believe it has been discussed and should be approved.

Mr. Mullins -- Are you related to them by any chance?

Mr. Gainer – No, I am not; there is no conflict at all.

Chairman Helmick asked one last time if there is anyone wishing to speak for or against the application?

Chairman Helmick declared the hearing session over with and now the Board would discuss the application and

decision.

Mr. Welch stated I will make a motion to approve Application A7-2019 as the plans presented tonight with the restriction that no further buildings be added to the property. Mr. Mullins seconded.

Chairman Helmick called for a vote on the motion:

For:

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

Against:

Donald Welch	Bill Helmick	Sandy Chrisant
Andrew Mullins	Nick Genis	

Motion Passed 5-0 The variance application has been approved.

Mr. Braman stated they can come in tomorrow morning and get their zoning permit from Ms. Durbin.

Chairman Helmick closed the hearing on Application A7-2019

VI. APPROVAL OF MINUTES:

Chairman Helmick asked if anyone had an objections to the minutes submitted for January 15, 2019. Mr. Welch made a motion to approve the minutes as submitted with Mr. Mullins seconding. The vote was unanimous to approve.

January 15, 2019 minutes were approved as submitted

Chairman Helmick asked if anyone had any objections to the minutes submitted for February 20, 2019 outside of amending the date from February 19th to February 20th. Ms. Chrisant motioned to approve with the amendment and Mr. Mullins seconded.

Mr. Welch abstained and the rest of the Board was unanimous to approve so the vote was 4-0-1

February 20, 2019 minutes were approved.

ADJOURN:

Meeting adjourned at 6:47 PM.



 BZA Chair/Vice Chair



 BZA Vice Chair/ Member

11-11-19
 Date