

City of Norton
BOARD OF ZONING & BUILDING APPEALS
Tuesday, May 21, 2013

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: Don Welch, Bill Helmick, Marty West, Ed Noble and William Courson

EXCUSED: Angie Wells

STAFF: Russ Arters, Supt. of Building and Zoning

II. SWEARING IN:

Chairman Welch reviewed the procedural requirements for that night's hearing. Chairman Welch proceeded by stating that this was a quasi-judicial Board and asked that anyone wanting to speak needs to sign the attendance sheet and stand to be sworn in. Chairman Welch administered the oath to those intending to speak at the hearing.

III. PUBLIC HEARINGS:

- A. **BZA Application A2-2013**
3298 Oser Road/ PPN #4601715
Kristine K. Lewis, Owner
Requesting a Variance for 192 sq. feet
for an Accessory Building.

- B. **BZA Application A3-2013**
2731 Medina Line Road/ PPN #4606526
Dafydd William Evans III, Owner
Requesting a Variance to Build Firearms
in a 10' x 15' Area of the Basement.

- C. **BZA Application A4-2013**
Eastern Rd. & Hametown Rd. - N.E. Corner
PPN # 4603958
Requesting a Variance for a Non-Conforming Lot Size

Chairman Welch asked announced wishing to speak at tonight's meeting should please sign-in at the front podium.

Chairman Welch announced the application and stated the application was filed Monday, April 29, 2013 and letters of notification were sent via first class mail, as required, per section 6.03 of the City Charter. Chairman Welch asked the applicant/agent to come forward and state his name and address for the stenographer, and present pertinent information regarding the application.

Ms. Kristine (Kalavity) Lewis and Mr. Brian Knight of 3298 Oser Road Road, Norton, Ohio, 44203; Owners; approached the podium. Mr. Knight stated he would like to build a new structure behind the existing building. He stated once the new building was up, he would tear down the old building. Chairman Welch asked what size the new barn would be. Mr. Knight stated it would be 24' x 50'. Mr. Knight stated he had signed letters from his neighbors stating they were ok with the new building being constructed. Chairman Welch asked for the square foot of the building. Mr. Knight said it would be 1200 square foot.

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

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

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

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

Chairman Welch asked if anyone wanted to speak against the application.

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

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

Chairman Welch closed the public portion of the meeting. **Hearing no other questions or discussion from the Board, Chairman Welch asked for a motion. Mr. Courson moved to approve the request for BZA Application A2-2013, Requesting a Variance for 192 sq. ft. for an Accessory Building. Mr. Helmick seconded the Motion. ROLL CALL: Mr. Courson-Yes; Mr. Helmick-Yes; Mr. West-Yes; Mr. Welch-Yes; Mr. Noble-Yes. Motion to approve the Application to erect an Accessory Building was approved 5-0.**

Chairman Welch stated the Application was approved. He thanked the applicant and advised the applicant to see Mr. Arters for the proper permits.

Chairman Welch announced the next application and stated the application was filed Friday, May 5, 2013 and letters of notification were sent via first class mail, as required, per section 6.03 of the City Charter. Chairman Welch asked the applicant/agent to come forward and state his name and address for the stenographer, and present pertinent information regarding the application.

Mr. William Evans III, of 2731 S. Medina Line Rd., Norton, Ohio, 44203, Owner; approached the podium. Mr. Evans stated he was approaching the Board to use a portion of his basement to put firearms together. Mr. Evans stated he would be storing the firearms in digitally protected fire rated safes. Chairman Welch asked if there was going to be any sales of guns from the house. Mr. Evans stated no, there would not.

Chairman Welch asked why Mr. Evans chose his basement to do this instead of renting in a business area. Mr. Evans stated it was for security reasons. Mr. Evans stated he had proper security and was afraid if he had a business off site there could be a chance of a smash and grab. Mr. Evans said he wanted to know the guns were under proper protection at all times. Chairman Welch asked what types of guns they were building and if they would be making any ammunition. Mr. Evans stated they were building AR-15's and M-4's and would not be making ammunition. Mr. Evans stated all ATF (Alcohol, Tobacco, and Firearms) forms would be sent to the police department to keep them updated. Chairman Welch asked if a sign was being placed in the yard. Mr. Evans stated a small sign would be by the mailbox. Mr. Arters stated only a 16x24 sign was allowed. Mr. Chairman asked if there would be any employees. Mr. Evans said there would be no employees. Mr. Courson asked who actually owned the company. Mr. Evans stated he was the owner. Mr. Courson asked if they would be storing any ammunition. Mr. Evans said no ammunition was being stored. Mr. West asked if the company would be storing any chemicals. Mr. Evans said no chemicals would be stored. Mr. Helmick asked if Mr. Evans would have any issues with the Safety Forces looking at the work area. Mr. Evans stated he had no problem with that and had invited them to see the work area. Mr. Jeff Hickling, 4139 Anderson Dr., Brunswick, OH, 44212, asked to approach the podium. Chairman Welch swore-in Mr. Hickling and asked for his comments. Mr. Hickling stated ATF has to do their inspections and the company has to meet those expectations. He stated only one firearm would be assembled at a time, once assembled; it would be locked in a safe. He stated this was a strict rule by the ATF. Chairman Welch asked who would be delivering the firearm parts. Mr. Hickling stated Fed-X would be delivering in small trucks just like a normal delivery. Mr. Courson asked Mr. Evans if the company was willing to forgo the sign by his mailbox. Mr. Evans stated the sign would not say anything about firearms. He stated the sign would only have his company initials of ATC on it. Mr. Evans said the work table the firearm is assembled on, is the size of a small desk with a vice and a few tools on it. He stated it looks like a desk with a few safes sitting next to it. Mr. Welch asked if all tools were in the safe. Mr. Evans stated only small tools and punches, etc. were out in the workshop area. He stated everything is kept in the safe for security. Mr. Welch asked how the area itself would be secured. Mr. Evans stated only a metal wall could be installed for added protection to the area. Mr. West asked how many firearms were on the premises at one time. Mr. Evans stated approximately 1 to 3.

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

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

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

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

Chairman Welch asked if anyone wanted to speak against the application.

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

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

Chairman Welch closed the public portion of the meeting. **Hearing no other questions or discussion from the Board, Chairman Welch asked for a motion. Mr. Courson moved to approve the request for BZA Application A3-2013, Requesting a Variance to build Firearms in a 10' x 15' area of the Basement. Mr. West seconded the Motion. ROLL CALL: Mr. Courson-Yes; Mr. West-Yes; Mr. Helmick-Yes; Mr. Welch-Yes; Mr. Noble-Yes. Motion to approve the Application for a variance to build firearms in a 10' x 15' area of the basement was approved 5-0.**

Chairman Welch stated the Application was approved. He thanked the applicant and advised the applicant to see Mr. Arters for the proper permits.

Chairman Welch announced the application and stated the application was filed Thursday, May 2, 2013 and letters of notification were sent via first class mail, as required, per section 6.03 of the City Charter. Chairman Welch asked the applicant/agent to come forward and state his name and address for the stenographer, and present pertinent information regarding the application.

Mr. Jason Pokorany, of 5910 Kamper Road, Suite 106, Solon, Ohio, 44139, Agent, approached the podium. Mr. Pokorany stated he would be representing the Owner. Chairman Welch asked if Mr. Polornay was sworn-in and Mr. Pokorany stated he was. Mr. Pokorany stated the owner was proposing to develop a 9100 sq.ft. building. He stated the area was I-1 zoned now and is requesting a lot split for parking, storm water, etc. Chairman Welch asked if the area had sewer and water. Mr. Arters stated their was sewer there but no water. Mr. Arters stated the City plans to extend water that direction. Mr. Courson asked why they chose this parcel. Mr. Pokorany stated the north parcel was an odd shape to build on. Mr. Courson asked Mr. Arters if he recommended this suggestion to the Board. Mr. Arters stated yes, he would recommend. He stated this would free up a lot of land. He said the lot size changes were in an I-1 area because IsoLab was there. Mr. Helmick asked if the Planning Commission and City Council were working on these changes. Mr. Arters stated the uses were already in the works. Mr. Noble asked what was on the other side of this parcel. Mr. Arters stated the east side was vacant land.

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

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

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

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

Chairman Welch asked if anyone wanted to speak against the application.

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

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

Chairman Welch closed the public portion of the meeting. **Hearing no other questions or discussion from the Board, Chairman Welch asked for a motion. Mr. Courson moved to approve the request for BZA Application A4-2013, Eastern Rd & Hametown Rd - N.E. Corner, PPN #4603958, Requesting a Variance for a Non-Conforming Lot Size. Mr. Noble seconded the Motion. ROLL CALL: Mr. Courson-Yes; Mr. Noble-Yes; Mr. Helmick-Yes; Mr. West-Yes; Mr. Welch-Yes. Motion to approve the Application to approve a Variance for a Non-Conforming Lot Size, was approved 5-0.**

IV. OLD BUSINESS:

Chairman Welch asked if there was any old business. There was none.

V. NEW BUSINESS:

Chairman Welch asked if there was any new business. There was none.

VI. CONSIDERATION OF MINUTES:

Chairman Welch asked if there were any additions or corrections to the minutes of April 16, 2013. **Hearing none, the Chairman asked for a motion. Mr. Helmick moved to approve the minutes as written; seconded by Mr. West. ROLL CALL: Mr. Helmick-Yes; Mr. West-Yes; Mr. Welch-Yes; Ms. Wells- Absent; Mr. Courson-Yes; Mr. Noble-Abstain. Motion carried 4-1-1 to accept the April 16, 2013 minutes as written.**

VII. ADJOURNMENT:

There being no other business before the Board, the Chairman adjourned the meeting. The Board's next scheduled meeting will be June 18, 2013, at 6:00 PM.

Board of Zoning & Building Appeals
Chair/Vice-Chair

Board of Zoning & Building Appeals
Vice-Chair/Member

Date

*** ORIGINAL SIGNED DOCUMENTS ON FILE WITH THE CLERK OF COUNCIL ***