

City of Norton
BOARD OF ZONING & BUILDING APPEALS
Tuesday, July 15, 2014

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

I. ATTENDANCE:

PRESENT: Don Welch, Angie Wells, Marty West, Nick Genis, Miriam Norris

EXCUSED: Bill Helmick

ALSO PRESENT:

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. A1-2014 BZA –Application A2-2014
Jesse and Kelly Micire - Owner
5637 Cleveland-Massillon Road
Vacant Land
PPN # 4608287
[A Variance to Construct a House within a Flood Zone]
[Section: 1472.13 (a)]**

Chairman Welch announced anyone 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, June 30, 2014 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 be sworn in, state his name and address for the stenographer, and present pertinent information regarding the application.

Chairman Welch stated Mr. Jesse Micire was not able to attend the meeting tonight. Mr. Arters stated he had just gotten off the phone with Mr. Micire. He stated Mr. Micire said he thought the meeting was next week, but to go ahead and start the meeting without him. Mr. Arters stated he had discussed the application with Mr. Micire and that the Board could continue the meeting tonight. Mr. Arters stated he could call Mr. Micire if the Board had any issues to discuss. Mr. Arters stated Mr. Micire was the third generation owner of E. L. Stone on Cleveland-Massillon Road. He stated Mr. Micire's parents had given him the property and he would like to build a house on the property. He stated his business was just next door to this property. He stated Mr. Micire understood that the insurance on the property will be higher, but

would still like to build there because of convenience purposes. Chairman Welch stated Mr. Micire understands this is a flood zone, but still wants to build in that area. Chairman Welch asked if this was just for the convenience of living by his business. Mr. Arters stated yes, it is for that convenience. He stated the business is family owned and operated and he would like to build there. Mr. Welch stated there was no history of floods at the existing homes for over forty years. He asked why this was declared a flood zone. Mr. Arters stated that FEMA had declared it a flood zone. Ms. Wells asked if there was a plan for a basement on this house. Mr. Arters stated there were no plans for a basement yet. He stated that decision was not finalized yet, until they speak more with the insurance company. Mr. Genis stated his comments on this issue were as follows: The parcel is in a 100 year Flood Zone with a 1% chance of flooding, the parcel does not meet the definition of a wet land, wild life will not be disturbed by this variance, mud slides and ditches will not result of the variance, the public would not be harmed by the variance, and the occupants would not be harmed by the variance. He said these were some of his concerns with the parcel. There was general discussion on the different elevations of the other homes built in the area. Ms. Wells asked if Summit County had approved the septic yet. Mr. Arters stated not until the technical approval was there. Mr. Genis stated it looked like a lot of thought had been put into the plans of this house. He stated the topography looked good on this property. Ms. Norris asked if there were any complaints with the traffic flow from the Drive-Thru business near them. Mr. Arters stated there were no issues. Ms. Wells stated she was still concerned with the basement and if insurance would cover it. Mr. Arters stated the basement could be covered on the insurance. Mr. Genis stated the plat map had also addressed the basement issues. Chairman Welch asked if there were any other comments from the Board. There were no other comments. **Chairman Welch called for a motion. Mr. Genis moved to approve the Application with the following conditions: Parcel is in a 100 year Flood Plain, Zone A, having a 1% chance of flooding, No base elevations defined, low risk; Parcel does not meet the definition of a wet land; Wild life habitat will not be effected by this variance; Mud Slides and/or ditches will not result by this variance; Would the public be harmed by this variance, no; Would the occupants put themselves in harms way by building on this parcel, no, the parcel elevations have been changed to mitigate flooding of the residence as shown by Lewis Land Professionals, lot improvement plan date final 6-24-14, seconded by Mr. West. ROLL CALL: Mr. Genis-Yes, Mr. West-Yes, Mr. Welch-Yes, Ms. Wells-Yes, Ms. Norris- Yes. Motion carried 5-0 to Approve.**

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 Tuesday, June 19, 2014. **Hearing none, the Chairman called for a motion. Mr. West moved to approve the minutes as written, seconded by Ms. Wells. ROLL CALL: Mr. West-Yes, Ms. Wells-Yes, Mr. Welch-Yes, Mr. Genis-Yes, Ms. Norris-Yes. Motion carried 5-0 to accept the 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 Tuesday, August 19, 2014.

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 ***