

City of Norton
BOARD OF ZONING & BUILDING APPEALS
Tuesday, September 16, 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, Bill Helmick

EXCUSED: Russ Arters, Supt. of Building and Zoning

ALSO PRESENT: Miriam Norris, Alternate

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 A5-2014**
Terry Kropp - Owner
2916 Oakcrest Drive
Mount Vernon Estates
PPN # 4608388
[A Variance to Build within 10 Feet of a Rear Property Line]
[Section: 1296.03(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.

Mr. Terry Kropp of 2916 Oakcrest Drive, Norton, Ohio, 44203; Owner; approached the podium. Mr. Kropp stated he would like to maximize the space as much as possible in his back yard. Mr. Welch asked what would be stored in the building. Mr. Kropp stated the building would be used for basic storage which would leave more room in his two car garage. Mr. Welch asked how the building was to be constructed. Mr. Kropp stated the building would be a gable roof and sided to match his house. He stated the building would be a post or beam construction with a reinforced floor. Mr. Genis asked how large the building would be. Mr. Kropp stated it would be 12x20. Mr. Genis asked if there were any restrictions or Home Owner's

Association on the property. Mr. Kropp stated there was not. Ms. Wells asked if there would be a drive back to the building. Mr. Kropp stated there would be no drive to the building. Mr. West asked how far the building would be from the fence line. Mr. Kropp stated it would be 5 feet away.

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 or against the application; no one spoke.

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

Chairman Welch asked for a third and final time if anyone wanted to speak for or 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. Wells moved to approve the Application: Mr. Helmick seconded the Motion. ROLL CALL: Ms. Wells-Yes, Mr. Helmick-Yes, Mr. West-No, Mr. Welch-No, Mr. Genis-No. Motion was denied 2-3.**

**B. BZA - Application A6-2014
World Real Estate Services, LTD – Owner
Fred Martin Fiat
3261 Barber Road
PPN - 4700204
[A Variance to Construct an Addition to the Existing Fiat Building]**

Chairman Welch asked the applicant/agent to come forward, state his name and address for the stenographer, and present pertinent information regarding the application.

Mr. Tony Cerny of 620 E. Smith Road, Medina, Ohio, 44256; Agent; approached the podium. He stated he was the architect for this project and is proposing to add an addition to the back side of the building. He stated the building is the same material and height as the current building. He stated the parcel is located in a flood plain. He stated the parcel has been 100% improved and is already on a hard surface area. He stated there will be no harm to the area or the community by this build. He stated eventually, the existing building will be torn down. He stated there is also a dike or mound system behind the whole length of the property. Mr. Genis asked if the water run-off goes to the rear of the property. Mr. Cerny stated it did run off to the back of the property. He stated they had disconnected from the City sewer system because of flooding and are looking at portable or inflatable dike or pumping stations that drain directly to the river. He stated they would help control any flooding in the area. Mr. Genis asked if there were any features in the building that would help protect employees if there would be a flood. Mr. Cerny stated the building elevation, as required, is above the flood plain. Mr. Genis asked if there were any underground tanks, etc on the property. Mr. Cerny stated there were none.

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 or against the application; no one spoke.

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

Chairman Welch asked for a third and final time if anyone wanted to speak for or 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. Ms. Wells moved to approve the Application: Mr. West seconded the Motion. ROLL CALL: Ms. Wells-Yes, Mr. West-Yes, Mr. Helmick-Yes, Mr. Welch-Yes, Mr. Genis-Yes. Motion was approved 5-0.**

- C. **BZA - Application A7-2014
Fishuntun, Ltd – Custom Spray – Owner
Daniel Esrren – President
Todd Wallace - Agent
2441 Heritage Pkwy.
PPN - 4607474
[A Variance to Construct an Addition to the Existing Building]**

Chairman Welch asked the applicant/agent to come forward, state his name and address for the stenographer, and present pertinent information regarding the application.

Mr. Todd Wallace of 505 W. Park Avenue, Barberton, Ohio, 44203; Agent; approached the podium. He stated he was proposing a 60x100 addition. He stated this site was above FEMA's flood plain. He stated the building would be a gable roof and would match the existing building. Mr. Welch asked what the distance was from the back of the building to the creek. Mr. Wallace stated it was approximately 250 feet from the back of the property. Mr. Arters stated the property drainage area at the rear of the property isn't really the creek. He stated Wolf Creek is actually behind the cul-de-sac to the east. He stated they are required to be 2 feet above the flood plain, which they are. Mr. Genis asked how long they have been at this site. Mr. Wallace stated they have been there since the year 2000 with no floods. Mr. Genis asked how the products were being stored on the property. Mr. Daniel Warren, Agent, approached the podium. He stated all products were stored on pallets off the floor or on shelves. Mr. John Hall, 14470 Mt. Eaton Road, Rittman, OH, 44203, approached the podium. He stated he owned the property behind custom Spray. He stated he has no issues with this business and would like the Board to consider his application.

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 or against the application; no one spoke.

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

Chairman Welch asked for a third and final time if anyone wanted to speak for or 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. Helmick moved to approve the Application: Mr. West seconded the Motion. ROLL CALL: Mr. Helmick-Yes, Mr. West-Yes, Mr. Welch-Yes, Ms. Wells-Yes, Mr. Genis-Yes. Motion was approved 5-0.**

- D. **BZA - Application A8-2014**
S.A. Comunale
Steve Comunale – Owner
John Elsey – Agent
2900 Newpark Drive
PPN – 4604392, 4601113 and 4608682
[A Variance to Expand Pipe Fabrication Building and
Extend Emergency Drive]
[Section: 1472.13(a)]

Chairman Welch asked the applicant/agent to come forward, state his name and address for the stenographer, and present pertinent information regarding the application.

Mr. John Elsey, 565 White Pond Drive, Akron, OH 44320; Agent; approached the podium. He stated there were three parcels at this property. He stated this company fabricates sprinkler pipes around the country. He stated they load trucks in all weather and would like to be able to load their trucks within the building and not outside in the elements anymore. He stated all water from the property will be flowing to the existing catch basins and there should be no flooding on the site. Mr. West asked why they needed the emergency drive. Mr. Elsey stated in a flood situation, they would want to have quick access to the building. Mr. Arters stated this emergency drive has been at the property for approximately 6 months already. He stated they had also extended pipes to the front and east, toward the pond. He stated this would be used for flood issues only. Mr. West asked if this emergency drive to remain a gravel drive and be used strictly for emergency use only. Mr. Arters stated it was for emergency use only. Mr. West asked if any trucks were going to be loaded in this area. Mr. Elsey stated no trucks would be loaded in the drive.

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 or against the application; no one spoke.

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

Chairman Welch asked for a third and final time if anyone wanted to speak for or 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. West moved to approve the Application: Mr. Helmick seconded the Motion. ROLL CALL: Mr. West-Yes, Mr. Helmick-Yes, Mr. Welch-Yes, Ms. Wells-Yes, Mr. Genis-Yes. Motion was approved 5-0.**

- E. **BZA - Application A1-2014**
TDLMB Properties, LLC – Owner
Tim Brenner - Agent
Raymond James Realty
4050 Cleveland-Massillon Road
PPN – 4608895
[A Variance for Signage – Height and Size]
[Section 1289.06-2(b)]

Chairman Welch asked the applicant/agent to come forward, state his name and address for the stenographer, and present pertinent information regarding the application.

Mr. Tim Brenner, 4050 Cleveland-Massillon Road, Norton, OH 44203; Agent; approached the podium. He stated he would like to have a new sign placed in front of his building. He stated this new building will be able to have six tenants in it. He stated he had an agreement with the high school masonry program to build a sign which would match the current building. He stated he would like this sign to be an LED sign that could post Amber Alerts and community messages. He stated a few examples of the sign are in the packages distributed to the Board. Ms. Wells asked the square foot of the new building. Mr. Brenner stated it is approximately 5500 to 6000 square feet. Ms. Wells asked the square foot of the office space. Mr. Brenner stated it was 3000 square foot. Mr. Brenner stated he had also put in new windows and siding on the building. Ms. Wells asked what the proposed font would be for the letters on the sign, and if they were to be certain colors. Mr. Brenner stated he would like his tenants to use their corporate colors but the letter fonts could be all the same if the Board desired. Mr. Welch asked if the sign would be back-lit. Mr. Brenner stated it would be. There was general discussion on the example signs in the Board packages and the different ways the applicant could adapt his sign to a smaller version. Mr. Genis asked if there would be a charge to put advertising on the LED sign. Mr. Brenner stated there would be a charge for the internal tenants, but not for the community. Mr. Helmick asked if the new high school would be able to use the sign. Mr. Brenner stated they would be able to use it for anything they needed. Mr. Welch stated Mr. Brenner has taken a building that was an eye sore and made it into a very nice building. Mr. Brenner thanked Mr. Welch for the compliment. There was general discussion on the height and size of the sign. Mr. Brenner stated he could take the foundation off the sign which would help lower the height. Mr. Welch stated the Board preferred Mr. Brenner to stay within a 10 feet high and 15 foot wide limit on the sign. Mr. Welch asked Mr. Brenner if he would prefer to come back to the Board with ideas for a new design of the sign. Mr. Brenner stated he would like to get the sign issue settled this evening at this meeting. Mr. Welch stated the Board was ready to move forward as long as the blueprint was approved with Mr. Arters. Mr. Brenner stated he and his designer would like to move forward with the 10 x 15 sign preferred by the Board. Mr. Arters stated the Board would need to approve a Variance with the difference on the square foot.

Chairman Welch stated a Board member would need to make a motion to take Application A1-2014 off the Table to continue discussion on the Application.

Chairman Welch asked for a motion. Mr. West moved to take Application A1-2014 off the Table and continue discussion on the Application: Mr. Helmick seconded the Motion. ROLL CALL: Mr. West-Yes, Mr. Helmick-Yes, Mr. Welch-Yes, Ms. Wells-Yes, Mr. Genis-Yes. Motion was approved 5-0, to take Application A1-2014 off the Table and continue discussion of the Application.

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 or against the application; no one spoke.

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

Chairman Welch asked for a third and final time if anyone wanted to speak for or 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. Genis moved to approve the Application: Mr. Helmick seconded the Motion. ROLL CALL: Mr. Genis-Yes, Mr. Helmick-Yes, Mr. West-Yes, Mr. Welch-Yes, Ms. Wells-Yes. Motion 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 Tuesday, August 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. Helmick-Yes, Mr. Welch-Yes, Mr. Genis-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, October 21, 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 ***