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CITY OF NORTH CANTON, OHIO

ZONING BOARD OF APPEALS

**TRANSCRIPT OF
AUGUST 10, 2020, MEETING
VIA TELECONFERENCE**

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Transcript of Proceedings of the North Canton
Zoning Board of Appeals, taken by me, the undersigned,
Laurie Maryl Jonas, a Registered Merit Reporter and Notary
Public in and for the State of Ohio, at North Canton,
Ohio, on Monday, August 10, 2020, at 7:15 a.m.

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APPEARANCES:

Clint Zollinger, Chairman

Jude B. Streb, Member

Todd LePage, PE, Member

BJ Boyajian, Member

Christine A. Clevenger, Member

Timothy L. Fox, Director of Law
(Non-voting Member)

Martin Van Gundy IV, Chief Building Officer
(Non-voting Member)

Stephan B. Wilder, Mayor

Randa Miller, Clerk

- - - - -

1 MR. ZOLLINGER: I will call the meeting to
2 order, and we'll start with the roll call.

3 MS. MILLER: Mr. Zollinger?

4 MR. ZOLLINGER: Here.

5 MS. MILLER: Ms. Boyajian?

6 MS. BOYAJIAN: Here.

7 MS. MILLER: Mr. Streb?

8 MR. STREB: Here.

9 MS. MILLER: Mr. LePage?

10 MR. LEPAGE: Here.

11 MS. MILLER: Miss Clevenger?

12 MS. CLEVINGER: Here.

13 MR. ZOLLINGER: Okay. Everybody's present.
14 We have a quorum.

15 Just so everybody knows what we are going to
16 be doing today, the July 28 meeting is going to be
17 considered void because there may have been a notice
18 issue so we're just going to basically redo the
19 meeting from July 28 and take a fresh look at
20 everything and handle it that way.

21 So we have a quorum, we have all five members
22 present, so it takes three of us to either -- to take
23 any kind of action. What we'll have to do is the
24 first thing we'll do is we'll look at the July -- the
25 June 23, 2020, meeting minutes for approval; we have

1 to, of course, reapprove those. Those were sent to
2 us previously, so I'll entertain a motion to approve
3 the minutes from June 23, 2020. Do I have a motion?

4 MS. BOYAJIAN: Motion to approve.

5 MR. ZOLLINGER: And a second?

6 MS. CLEVINGER: Second.

7 MR. ZOLLINGER: All right. Can you call the
8 roll and the vote with -- with the vote on whether to
9 approve these minutes.

10 MS. MILLER: Mr. Streb?

11 MR. STREB: Approve.

12 MS. MILLER: Ms. Clevenger?

13 MS. CLEVINGER: Approve.

14 MS. MILLER: Mr. Zollinger?

15 MR. ZOLLINGER: Approve.

16 MS. MILLER: Mr. LePage?

17 MR. LEPAGE: Approve.

18 MS. MILLER: Miss Boyajian?

19 MS. BOYAJIAN: Approve.

20 MR. ZOLLINGER: All right. Those minutes are
21 officially approved.

22 The next item on the agenda are the July 28
23 minutes. Those are going to be considered void for
24 the reasons I have explained previously, so we'll be
25 taking no action with respect to those. They have

1 been put together by the court reporter there for
2 reference but that's -- they're considered void so
3 we'll be taking no action with respect to those.

4 So the next item on the agenda is the
5 application, so go ahead and read off the application
6 and then we will begin.

7 MS. MILLER: Application No. 20NCZBOA-0003,
8 Russ Sweitzer III, 732 Penny Street, Southeast, North
9 Canton. A request to approve an expired variance for
10 nonconforming use for a second-floor addition and
11 second-floor porch over driveway.

12 MR. ZOLLINGER: Mr. Sweitzer, if you would
13 raise your right hand, we will have the court
14 reporter swear you in at this time.

15 (Whereupon, the applicant was administered a
16 sworn oath by the notary public.)

17 MR. ZOLLINGER: Thank you. And I guess I
18 should have made sure there's nobody else online
19 that's going to be testifying here today? Is that
20 correct?

21 MS. MILLER: That's correct.

22 MR. ZOLLINGER: Okay. If anybody else does
23 show up unannounced or whatever, just let me know and
24 we can make sure that person is sworn in before he or
25 she speaks.

1 Mr. Sweitzer, you were here -- you've been
2 here before, and it's my understanding that since
3 more than a year has passed, I think we approved a
4 variance for you at a meeting on June 5, 2019. Since
5 more than a year has passed, we now have to revisit
6 this as a new variance. And that's under our
7 ordinance under Section 1179.10, subparagraph G,
8 which says these variances only last for a year.

9 You're familiar with this procedure, but just
10 as a reminder, make sure you speak clearly, answer
11 any questions audibly with a yes, no, avoid uh-huh,
12 unh-unh, shaking of the head, things like that.

13 So you'll recall last year your variance was
14 approved by a 4 to 1 vote, but there are two people
15 on the board who were not around for that meeting, so
16 why don't you go ahead and explain again what it is
17 you're planning on doing.

18 MR. SWEITZER: All right. Well, I'm putting
19 a second floor on my house to accommodate for a
20 growing family.

21 A little background. The property in
22 question is a corner lot in the Circle Hill
23 Allotment. The home was built in 1957 in Plain
24 Township by my grandfather, Russ Sweitzer, Senior.
25 It was annexed by North Canton in 1967. In 1979, an

1 addition was built on to the west end of the house.
2 My grandfather passed away in 2012, left me the house
3 in the trust with the condition that my father be
4 allowed to live at this house at market or less value
5 rent. So I cannot sell the house.

6 It's currently a three-bedroom, three-bath
7 house. My fiancée is going to move in with her
8 seven-year-old son from a previous marriage and our
9 infant daughter, so I have three bedrooms, I have a
10 need for four at a minimum, and we're, you know --
11 we're, you know, considering expanding our family
12 even further. All right? The house is not, as it's
13 built, currently able to handle the number of people
14 that will be living at it. It's too narrow to allow
15 for the required setbacks for me to move to expand
16 the house north or the south, there's no additional
17 room to expand, you know, currently outside the
18 existing footprint, so the only way I can expand it
19 is up.

20 MR. ZOLLINGER: All right. And there's
21 nothing -- there's nothing different that you plan to
22 do at this time that as opposed to last year in terms
23 of what your construction. The plans are basically
24 the same, the only difference is you're going to
25 split it into two phases?

1 MR. SWEITZER: That's correct. The first
2 phase will be the bedrooms, the bathroom, and the
3 full attic on the second floor. The second phase
4 will be the sunroom and the deck and the entire
5 exterior bricking.

6 MR. ZOLLINGER: Okay. And it's my
7 understanding Mr. Fox, or Mr. Van Gundy, that we can
8 approve a variance for all phases, even if Phase 2
9 takes place next year; is that correct?

10 MR. FOX: That's correct, sir.

11 MR. ZOLLINGER: Does anybody else have any
12 questions of Mr. Sweitzer?

13 MR. LEPAGE: Mr. Sweitzer, this is Todd
14 LePage. You said the brick would be done during the
15 second phase? What's going to be -- would the first
16 phase that's being done, would that be brick to begin
17 with?

18 MR. SWEITZER: The existing brick will be
19 left there aside from, of course, the chimneys. I'll
20 be removing one chimney in favor of a double-walled
21 pipe, which is, you know, compliant with code
22 nowadays. The fireplace chimney will be extended up
23 to make it compliant with the new roof height. But
24 existing brick on the outside will be left. The
25 second floor will be sided and it will be -- it will

1 be sided such a way to allow for bricking later, so
2 it will be set back from the facing of the brick to
3 allow for the space for the brick at the next phase.

4 MR. LEPAGE: Okay.

5 MR. SWEITZER: This way all the bricks on the
6 outside of the house matches, because there's no way
7 I can match 1957 brick. My grandfather wasn't able
8 to do that in '79 when he put the first addition on.
9 He got as close as he could, but he had to put
10 vegetation at the -- at the seam so it wouldn't
11 appear obvious. I'm going to eliminate the seam, I'm
12 going to eliminate, you know, any kind of clashing,
13 looks like the house has been built in three
14 projects, and make it look like it's all one house so
15 it looks more visually appealing to -- to anybody on
16 the street.

17 MR. ZOLLINGER: Does anybody else have any
18 other questions? Okay. I don't have anything else.

19 I'll just say what I -- what I have said. My
20 position is the same as it was last year. I voted to
21 approve this variance. You can reference my comments
22 in the minutes from June 5, 2019, where I explained
23 my rationale for why I voted the way I did and my
24 position remains the same. So if -- I don't know if
25 anybody else has any other comments or not. If not,

1 I'll just entertain a motion to approve or deny the
2 variance.

3 MS. CLEVINGER: I'd like to make a motion to
4 approve the variance.

5 MR. ZOLLINGER: Do I have a second?

6 MS. BOYAJIAN: Second.

7 MR. ZOLLINGER: Okay. We'll do a roll call
8 on a motion to approve the variance.

9 MS. MILLER: Mr. LePage?

10 MR. LEPAGE: Approved.

11 MS. MILLER: Ms. Boyajian?

12 MS. BOYAJIAN: Approve.

13 MS. MILLER: Mr. Zollinger?

14 MR. ZOLLINGER: Approve.

15 MS. MILLER: Mr. Streb?

16 MR. STREB: Approve.

17 MS. MILLER: Miss Clevenger?

18 MS. CLEVINGER: Approved.

19 MR. ZOLLINGER: All right then. I think we
20 have a -- the variance has been approved. Good luck,
21 Mr. Sweitzer. I think you're starting today;
22 correct?

23 MR. SWEITZER: The plan was to start today,
24 but I found out over the weekend that the -- the
25 framer is two weeks behind, so sometime the week of

1 the 24th. They haven't given me a final date on that
2 yet.

3 MR. ZOLLINGER: All right. Well, good luck.
4 I hope the weather stays nice for you.

5 MR. SWEITZER: Goodbye.

6 MR. ZOLLINGER: All right. Thanks.

7 Is there any other business to come before
8 the board? If not -- what's that?

9 MR. VAN GUNDY: If I may, I just wanted to
10 thank everybody for getting up first thing in the
11 morning and rehearing this item so we can get it
12 moving along. This was the first time available
13 given the notices required, and, of course, this was
14 in light of the concern with the agenda, you know,
15 the website conflict. There where some of the, you
16 know, folks that signed up on the website to receive
17 notice may not have received that notice. So once
18 again, I do appreciate everyone getting up first
19 thing in the morning and -- and, you know, doing
20 this. I know it's early.

21 MR. FOX: I second Marty.

22 MR. ZOLLINGER: No problem. You will see,
23 though, that I'm only on audio because I just got
24 back from the Y and nobody needs to see me right now.
25 So --

1 MR. FOX: How busy is it over there?

2 MR. ZOLLINGER: What's that?

3 MR. FOX: How busy is it over there?

4 MR. ZOLLINGER: Not that. I mean, there are
5 people there but it's not like it, you know, back
6 before all this. It's not as busy as it usually is.

7 MR. FOX: Yeah.

8 MR. ZOLLINGER: Like, they have got every
9 other machine blocked off. So --

10 MR. FOX: Okay.

11 MR. ZOLLINGER: Anybody got anything else?
12 If not, I'll entertain a motion to adjourn.

13 MS. CLEVINGER: Well, since it's my birthday,
14 I'm going to make a motion to adjourn and get the
15 heck out of here.

16 MR. LEPAGE: I'll second.

17 MR. ZOLLINGER: We'll do a voice vote for it.
18 All those in favor?

19 ("Aye" in unison.)

20 MR. ZOLLINGER: All right. Have a good week,
21 everyone.

22 - - - - -

23 (Meeting adjourned at 7:29 a.m.)

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Attest:

Clint Zollinger, Chairman

<p>MR. FOX: [6] 8/10 11/21 12/1 12/3 12/7 12/10 MR. LEPAGE: [6] 3/10 4/17 8/13 9/4 10/10 12/16 MR. STREB: [3] 3/8 4/11 10/16 MR. SWEITZER: [6] 6/18 8/1 8/18 9/5 10/23 11/5 MR. VAN GUNDY: [1] 11/9 MR. ZOLLINGER: [27] MS. BOYAJIAN: [5] 3/6 4/4 4/19 10/6 10/12 MS. CLEVENGER: [6] 3/12 4/6 4/13 10/3 10/18 12/13 MS. MILLER: [17]</p>	<p>14/13 addition [3] 5/10 7/1 9/8 additional [1] 7/16 adjourn [2] 12/12 12/14 adjourned [1] 12/23 administered [1] 5/15 affiliated [1] 14/14 affixed [1] 14/16 afterwards [1] 14/7 again [2] 6/16 11/18 agenda [3] 4/22 5/4 11/14 agenda are [1] 4/22 ahead [2] 5/5 6/16 Aided [1] 14/8 Akron [1] 1/24 all [15] Allotment [1] 6/23 allow [3] 7/14 9/1 9/3 allowed [1] 7/4 along [1] 11/12 am [3] 14/11 14/14 14/14 annexed [1] 6/25 answer [1] 6/10 any [8] 3/23 6/11 8/11 9/12 9/17 9/25 11/7 14/12 anybody [6] 5/22 8/11 9/15 9/17 9/25 12/11 anything [2] 9/18 12/11 appealing [1] 9/15 APPEALS [2] 1/2 1/13 appear [1] 9/11 APPEARANCES [1] 2/1 applicant [1] 5/15 application [3] 5/5 5/5 5/7 appreciate [1] 11/18 approval [1] 3/25 approve [17] approved [6] 4/21 6/3 6/14 10/10 10/18 10/20 4/23 6/14 7/23 12/4 around [1] 6/15 as [10] 6/6 6/10 7/12 7/22 9/9 9/9 9/20 12/6 12/6 14/15 aside [1] 8/19 Attest [1] 13/1 attic [1] 8/3 attorney [1] 14/12 audibly [1] 6/11 audio [1] 11/23 AUGUST [3] 1/6 1/16 14/17 available [1] 11/12 avoid [1] 6/11</p>	<p>away [1] 7/2 Aye [1] 12/19</p> <p>B</p> <p>back [3] 9/2 11/24 12/5 background [1] 6/21 basically [2] 3/18 7/23 bath [1] 7/6 bathroom [1] 8/2 be [21] because [3] 3/17 9/6 11/23 bedroom [1] 7/6 bedrooms [2] 7/9 8/2 been [5] 3/17 5/1 6/1 9/13 10/20 before [4] 5/24 6/2 11/7 12/6 begin [2] 5/6 8/16 behind [1] 10/25 being [1] 8/16 birthday [1] 12/13 BJ [1] 2/5 blocked [1] 12/9 board [4] 1/2 1/13 6/15 11/8 Boyajian [4] 2/5 3/5 4/18 10/11 brick [7] 8/14 8/16 8/18 8/24 9/2 9/3 9/7 bricking [2] 8/5 9/1 bricks [1] 9/5 Building [1] 2/8 built [4] 6/23 7/1 7/13 9/13 business [1] 11/7 busy [3] 12/1 12/3 12/6</p> <p>C</p> <p>call [4] 3/1 3/2 4/7 10/7 can [7] 4/7 5/24 7/18 8/7 9/7 9/21 11/11 cannot [1] 7/5 CANTON [7] 1/1 1/12 1/15 1/24 5/9 6/25 14/16 caption [1] 14/10 certify [4] 14/7 14/10 14/11 14/14 Chairman [2] 2/2 13/3 Chief [1] 2/8 chimney [2] 8/20 8/22 chimneys [1] 8/19 Christine [1] 2/6 Circle [1] 6/22 CITY [1] 1/1 Civil [1] 14/15 clashing [1] 9/12 clearly [1] 6/10 Clerk [1] 2/11 Clevenger [4] 2/6 3/11 4/12 10/17 Clint [2] 2/2 13/3</p>	<p>close [1] 9/9 code [1] 8/21 come [1] 11/7 comments [2] 9/21 9/25 commission [1] 14/20 commissioned [1] 14/7 compliant [2] 8/21 8/23 Computer [1] 14/8 Computer-Aided [1] 14/8 concern [1] 11/14 condition [1] 7/3 conflict [1] 11/15 considered [3] 3/17 4/23 5/2 considering [1] 7/11 construction [1] 7/23 contract [1] 14/15 corner [1] 6/22 correct [7] 5/20 5/21 8/1 8/9 8/10 10/22 14/9 could [1] 9/9 counsel [1] 14/12 COUNTY [1] 14/4 course [3] 4/1 8/19 11/13 court [4] 1/24 5/1 5/13 14/14 currently [3] 7/6 7/13 7/17</p> <p>D</p> <p>date [1] 11/1 daughter [1] 7/9 day [1] 14/17 deck [1] 8/4 defined [1] 14/15 deny [1] 10/1 did [1] 9/23 difference [1] 7/24 different [1] 7/21 Director [1] 2/7 do [11] 3/23 3/24 4/3 7/22 9/8 10/5 10/7 11/18 12/17 14/7 14/14 does [3] 5/22 8/11 9/17 doing [3] 3/16 6/17 11/19 don't [3] 6/16 9/18 9/24 done [2] 8/14 8/16 double [1] 8/20 double-walled [1] 8/20 driveway [1] 5/11 duly [1] 14/6 during [1] 8/14</p> <p>E</p> <p>early [1] 11/20 either [1] 3/22 eliminate [2] 9/11 9/12</p>	<p>else [7] 5/18 5/22 8/11 9/17 9/18 9/25 12/11 employee [1] 14/12 end [1] 7/1 entertain [3] 4/2 10/1 12/12 entire [1] 8/4 even [2] 7/12 8/8 event [1] 14/12 every [1] 12/8 everybody [2] 3/15 11/10 Everybody's [1] 3/13 everyone [2] 11/18 12/21 everything [1] 3/20 existing [3] 7/18 8/18 8/24 expand [3] 7/15 7/17 7/18 expanding [1] 7/11 expired [1] 5/9 expires [1] 14/20 explain [1] 6/16 explained [2] 4/24 9/22 extended [1] 8/22 exterior [1] 8/5</p> <p>F</p> <p>facing [1] 9/2 familiar [1] 6/9 family [2] 6/20 7/11 father [1] 7/3 favor [2] 8/20 12/18 fiancee [1] 7/7 final [1] 11/1 financially [1] 14/12 fireplace [1] 8/22 firm [1] 14/14 first [7] 3/24 8/1 8/15 9/8 11/10 11/12 11/18 five [1] 3/21 floor [5] 5/10 5/11 6/19 8/3 8/25 folks [1] 11/16 footprint [1] 7/18 foregoing [2] 14/8 14/10 found [1] 10/24 four [1] 7/10 Fox [2] 2/7 8/7 framer [1] 10/25 fresh [1] 3/19 full [1] 8/3 further [4] 7/12 14/10 14/11 14/14</p> <p>G</p> <p>get [2] 11/11 12/14 getting [2] 11/10 11/18 given [2] 11/1 11/13 go [2] 5/5 6/16 going [11] 3/15 3/16</p>
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