

Vice-Chairman Dave Robinson convened the Board of Zoning Appeals meeting at 6:00 p.m. Present were Lee Kleinbeck, Bill Daniel, Bob Juve, Russ Hose and Dave Robinson. Joe Weinstein and Chris Esker were absent. Sue Schultz, Assistant Zoning Inspector was present.

NEW BUSINESS:

PUBLIC HEARING * 6:00 PM

APPLICANT: DAYAL & JAYANTHI KIRINGODA

LANDOWNER: DAYAL & JAYANTHI KIRINGODA

OCCUPANT: AKRON MONTESSORI SCHOOL

LOCATION: 3882 BYWOOD

CONDITIONAL: ART. IV, SEC. 421-3 J. SCHOOLS/EDUCATIONAL FACILITIES,
SUBJECT TO SUBSECTIONS 802-2-101, 102, 103, 105, 106, 111 AND 117

ZONING DISTRICT: C-2

Robinson opened the public hearing.

Robinson swore in all person who wished to speak.

Robinson swore in Schultz for the evening.

Schultz stated that the applicants were before the Board for a Conditional Use for the Akron Montessori School at 3882 Bywood. This is the Conditional Use for the future expansion of the school.

Atty. Fisher stated that the property owners were granted a Conditional Use approval for the school in 1996. The Owners believe the school is being, and always has been, operated consistent with all applicable governmental regulations, including zoning. The Owners are proposing to expand the school with a 1500 square foot addition to the south side of the main building in the general location of the present deck.

The new construction would use existing driveways, and would have exterior siding and roofing treatments similar to the existing building. Existing landscaping would remain (except for that reserved for the new construction).

The 1996 original Conditional Use approval for the school apparently varied certain Conditional Use requirements. For example, the school's structures are less than 100 feet from the property lines. However, the school appears to be compatible with other uses in the neighborhood and is consistent with the general conditions of Section 802-1 of the Copley Township Zoning Resolution.

Schultz entered into the permanent record the complete file, the Zoning Resolution & Map and the Comprehensive Land Use Plan.

Robinson asked Atty. Fisher the following:

802-2-101. All structures and activity area shall be located at least 100 feet from all property lines. Atty. Fisher stated that there was a variance on the original request, but all parts of this particular request are more than 100 feet from the property line.

102. Loud speakers which cause a hazard or annoyance shall not be permitted. Atty. Fisher stated that there are no speakers.

103. All points of entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares; or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare or two (2) local or collector thoroughfares. Atty. Fisher stated that as far as we know they are not. They will use the same driveway as they currently use.

105. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.

106. Elementary school structures should be located on a collector thoroughfare.

111. Such uses shall be properly landscaped to be harmonious with surrounding residential uses. Mr. Kiringoda stated that the landscaping would be harmonious.

117. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general. This will be done.

Robinson asked for comments from the floor. None were offered.

Juve moved to close the public hearing, Hose second. Robinson called for the vote. Juve, aye, Kleinbeck, aye, Daniel, aye, Hose, aye. The motion carried.

Juve moved to approve the application as submitted, Hose, second. Robinson called for the vote. Juve, aye, Kleinbeck, aye, Daniel, aye, Hose, aye. The motion carried.

PUBLIC HEARING * 6:05 PM
APPLICANT: DAN ROACH
LANDOWNER: COPLEY RETIREMENT RESIDENCE
LOCATION: 516 ROTHROCK ROAD
VARIANCE: ART. III, SEC. 302 CC. PRIVATE GARAGE
ZONING DISTRICT: C-3 COMMERCIAL

Robinson opened the public hearing.

Robinson swore in all persons who wished to speak.

Schultz stated that the applicants were requesting a 1,676 square foot detached garage.

Section 302 CC. limits the size of detached garages to 900 square feet.

Question #12 of the Variance application: Please explain the practical difficulties or unnecessary hardship which justify this application for a variance: "The proposed garage provides space for the private van used to provide transportation services to the residents, limited parking space for private vehicles of resident managers/residents and a storage room for maintenance equipment. Reducing the garage to 900 square feet will limit the ability of management to provide these services to residents."

The retirement center will have 118 suites and the Zoning Department feels that this is a reasonable request for the size of this project.

Jody Vargo stated that the project has not begun on the retirement residence. No one will be able to see the garage. It will sit pretty far back from the road. This is a five-acre site.

Schultz entered into the permanent record the complete file, the Zoning Resolution & Map and the Comprehensive Land Use Plan.

Hose moved to close the public hearing, Daniel, second. Robinson called for the vote. Juve, aye, Kleinbeck, aye, Daniel, aye, Hose, aye. The motion carried.

Hose moved to approve the application as presented, Daniel, second. Robinson called for the vote. Juve, aye, Kleinbeck, aye, Daniel, aye, Hose, aye. The motion carried.

PUBLIC HEARING * 6:05 PM
APPLICANT: RYAN HOMES
LANDOWNER: RYAN HOMES
LOCATION: 5223 FAIRINGTON AVENUE
VARIANCE: SEC. 802-2-147 MINIMUM REAR SETBACK
ZONING DISTRICT: R-2 URDD

Robinson opened the public hearing.

Robinson swore in all persons who wished to speak.

Schultz stated that this was a corner lot. The Zoning Resolution states that on corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. This particular lot has a 19.53-foot difference on the frontage. They are requesting the rear yard setback to be 8 feet and 40 feet is the requirement.

Schultz stated that similar variances were granted by the Board of Zoning Appeals on June 4, 2003 and March 29, 2006.

Edward Dombrovsky explained Question #12 from the Variance application: Please explain the practical difficulties or unnecessary hardship which justify this application for a Variance. "The practical difficulty of this lot is if the rear yard setback as described in

Art. II were utilized, there would be no room whatsoever for future additions to the home by the owner as is their aspiration. The home to be built currently has no extensions and is one of the shallowest homes that we sell at a depth of 28'. We currently sell only one other house type in northeast Ohio that is shallower at a depth of 26'. The frontages of this corner lot are similar in length, measuring within 19.53' of each other. By granting this variance, the new rear yard depth would increase by over 12' at the minimum, giving the owner the freedom to expand their home. Another major concern of the customer is safety for their young children. Fairington Avenue is the main thoroughfare thru this phase of the community. With the home facing Devereux and loading from Fairington Avenue, the customer feels that their driveway and backyard would allow their children to be more susceptible to harm while they are at play."

Robinson stated that it makes sense to have the driveway on Devereau and not on Fairington where there is more traffic (safety concern).

Schultz entered into the permanent record the complete file, the Zoning Resolution & Map and the Comprehensive Land Use Plan.

Robinson asked for comments from the floor. None were offered.

Juve moved to close the public hearing, Hose, second. Robinson called for the vote. Juve, aye, Kleinbeck, aye, Daniel, aye, Hose, aye. The motion carried.

Hose moved to approve the application as presented, Kleinbeck, second. Robinson called for the vote. Hose, aye, Juve, aye, Daniel, aye, Kleinbeck, aye. The motion carried.

CONTINUED PUBLIC HEARING
APPLICANT: ERIN WASSERMAN
LANDOWNER: RARE HOSIPTALITY
OCCUPANT: LONGHORN STEAKHOUSE
LOCATION: 37 MONTROSE WEST AVENUE
VARIANCE: TWO ADDITIONAL SIGNS
ZONING DISTRICT: PDD

The applicant did not show up for this continued public hearing. The Zoning Department will write them a letter asking if they wish to pursue this variance request.

The minutes of July 27th, August 24th, October 19th, February 1st, and March 29th will be reviewed at a later date.

NEXT MEETING DATE: April 26th.

With no further business to come before the Board, the meeting was adjourned at 6:30 p.m.

Dave Robinson, Vice-Chairman Sue Schultz, Secretary