

BOARD OF ZONING APPEALS MEETING  
AUGUST 27, 2008

Vice-Chairman Dave Robinson convened the Board of Zoning Appeals meeting at 6:00 p.m. Present were Paul Wilkerson, Robert Juve, Neal Call and Dave Robinson. Russell Hose, Bill Daniel and Joe Weinstein were absent. Sue Schultz and Matt Springer Assistant Zoning Inspectors were present.

**NEW BUSINESS:**

PUBLIC HEARING

APPLICANT: **LIPING LIU**

LANDOWNER: **LIPING LIU**

LOCATION: **506 SARA LANE**

ZONING DISTRICT: **R-2 RESIDENTIAL**

VARIANCE: **REQUESTING A REDUCTION IN THE MINIMUM FRONT YARD SETBACK – 60' REQUIRED, 58'8" PROPOSED**

Vice-Chairman Robinson opened the public hearing.

Vice-Chairman Robinson swore in all persons that wished to speak.

Vice-Chairman Robinson swore in Assistant Zoning Inspectors Sue Schultz and Matt Springer.

Ms. Schultz stated that the landowner was requesting a variance to the required front setback. The requirement is 60' from road right-of-way and the dwelling exists at 58'8" from the road right-of-way. The difference is one foot – four inches.

Ms. Schultz read Question #12 from the Variance application: Please explain the practical difficulties or unnecessary hardship which justify this application for a variance: "Both building and driveway are fixed. A survey by laser equipment reveals only a few inches violation, which is marginal."

Mrs. Liu went before the Board and was sworn in. She stated that she was before the Board to request a variance and asked the Board if they had any questions, she would be happy to answer them.

Vice-Chairman Robinson asked for comments from the floor. None were offered.

Vice-Chairman Robinson stated that the Variance was very minimal and there was a practical difficulty.

**Mr. Call moved to close the public hearing, Mr. Wilkerson, second. Mr. Robinson called for the vote. Mr. Juve, aye, Mr. Call, aye, Mr. Wilkerson, aye. The motion carried.**

**Mr. Wilkerson moved for the approval of the variance as submitted, Mr. Juve, second. Mr. Robinson called for the vote. Mr. Call, aye, Mr. Juve, aye, Mr. Wilkerson, aye. The motion**

**carried.**

PUBLIC HEARING

APPLICANT: **PATRICK MOVIEL**

LANDOWNER: **PATRICK MOVIEL**

LOCATION: **3027 KENDALL ROAD**

ZONING DISTRICT: **R-2 RESIDENTIAL**

VARIANCE: **ART. III, SEC. 302 Q. ACCESSORY BUILDING**

Vice-Chairman Robinson opened the public hearing.

Vice-Chairman Robinson swore in all persons who wished to speak.

Mr. Moviel stated that he didn't realized that he needed a permit to build the accessory building and stated that he spoke to Summit County Building and it was his understanding that if it were a small building that a permit from them would not be required.

Ms. Schultz stated that the accessory building was built without obtaining a permit. She added that the new accessory building is located to the rear of a detached garage and is not fifteen feet behind the house and it was her understanding that the Summit County Building Department requires a fifteen feet separation between buildings as a fire precaution.

Ms. Schultz stated that according to the application, this is a Carter Lumber garage package / out building. The size is 14' by 20' and the square footage is 280 square feet. This will be an unattached building, non-living quarters. This building will have one window and a 60" double door. The distance from the well to the new building will be 30 feet. The septic is in the front of the house and it is 75 feet south and a right angle of 68' to the new building. Health Department approval has been granted.

Ms. Schultz read Question #12 from the Variance application: Please explain the practical difficulties or unnecessary hardship which justify this application for a Variance: "Due to security and health issues. Also there are two swales behind the evergreen trees and water runs down Brian Dunn's property (the property to the west) and the hill behind his house."

Mr. Moviel presented pictures of his property to the Board. The pictures showed two swales allow that water to drain down onto his property. The building could not be placed in the rear yard due to the water flow. He felt was a hardship.

Mr. Robinson asked if anybody else wished to speak.

Mr. Bill Ramsey from 3039 Kendall Road went before the Board and was sworn in. Mr. Ramsey stated that he lives directly to the west of Mr. Moviel. Mr. Ramsey stated that the proposed building was well built, it fits in the neighborhood and has no problem with the building.

Vice-Chairman Robinson asked for additional comments from the floor. None were offered.

**Mr. Call moved to close the public hearing, Mr. Juve, second. Mr. Robinson called for the vote. Mr. Call, aye, Mr. Juve, aye, Mr. Wilkerson, aye. The motion carried.**

**Mr. Wilkerson moved for the approval of the variance as submitted, Mr. Juve, second. Mr. Robinson called for the vote. Mr. Call, aye, Mr. Juve, aye, Mr. Wilkerson, aye. The motion carried.**

PUBLIC HEARING

APPLICANT: **AKRON VETERINARY REFERRAL & EMERGENCY CENTER**

LANDOWNER: **R & L FERGUSON**

LOCATION: **1321 CENTERVIEW CIRCLE**

ZONING DISTRICT: **I-1 INDUSTRIAL**

CONDITIONAL: **REQUEST FOR THE TEMPORARY PLACEMENT OF A MOBILE MRI UNIT ON THE PROPERTY AS AN ACCESSORY USE PROVIDING SERVICES ALLOWED UNDER SECTION 430-2 PERMITTED USES**

Vice-Chairman Robinson opened the public hearing.

Vice-Chairman Robinson swore in all persons who wished to speak.

Ms. Schultz stated the applicant has submitted three different applications; first being the Conditional Use, second for a Variance, and thirdly an Administrative Appeal. Ms. Schultz asked that the Board review each application in that order. Ms. Schultz also asked that the minutes from the July 23, 2008 Board of Zoning Appeals meeting be included in the testimony.

Ms. Schultz stated that granting the applicant a two-year "Conditional Use" would be a fair compromise between the Township and the Veterinary Hospital.

Mr. John Slagter from Buckingham, Doolittle and Burroughs said his client would be in agreement of the "Conditional Use". Mr. Slagter stated that his clients main concern is that construction could take longer than two years with the designed built-out plans to enclose the mobile MRI unit.

Mr. Slagter stated the applicant would agree to consolidate the two lots owned by Dr. Ferguson as a condition if the applicant received the two year "Conditional Use" from the Board. Mr. Slagter stated that he had re-plat copies (Exhibit A) to distribute to the Board for their review and for the record.

Mr. Shaun McWilliams from Akron Veterinary Referral & Emergency Center stated that the Center is in the process of having the two lots combined.

Vice-Chairman Robinson asked Dr. Ferguson to address the concern which arose during the previous Board of Zoning Appeals meeting regarding the amount of noise produced by the air conditioning units.

Dr. Ferguson said "no, the amount of noise produced by the MRI Unit would not be substantial enough to notice by the neighbors."

Mr. Call asked the applicant if the MRI Unit would meet zoning setback regulations.

Mr. Slagter said "yes, the MRI Unit would comply with all setbacks within the Zoning Resolution."

Mr. Slagter stated that his client would be willing to accept the two-year Conditional Use and dismiss the Variance and Administrative Appeal applications without prejudice.

Vice-Chairman Robinson asked for comments from the floor. None were offered.

**Mr. Call moved to close the public hearing, Mr. Wilkerson, second. Mr. Robinson called for the vote. Mr. Juve, aye, Mr. Call, aye, Mr. Wilkerson, aye. The motion carried.**

**Mr. Wilkerson moved for the approval of a two-year Conditional Use permit, while dismissing the Variance and Administrative Appeal applications without prejudice and requiring the applicant to complete the lot consolidation within the two year period, Mr. Juve, second. Mr. Robinson called for the vote. Mr. Call, aye, Mr. Juve, aye, Mr. Wilkerson, aye. The motion carried.**

**APPLICANT: ARKINETICS, SUSAN MOORE  
LANDOWNER: COLE CK PORTFOLIO IV, LLC, MARY ANN REED  
LOCATION: 2806 COPLEY ROAD  
ZONING DISTRICT: C-4 COMMERCIAL  
VARIANCE: REQUESTING A VARIANCE FROM SECTION 601-1,  
EXISTING PARKING IS LOCATED WITHIN ROAD RIGHT-OF-WAY.**

Vice-Chairman Robinson opened the public hearing.

Vice-Chairman Robinson swore in all persons who wished to speak.

Ms. Schultz stated that the problem with the parking setbacks were discovered when reviewing a submitted Site Plan application for a "beer cave" at 2806 Copley Road (Circle K Gas Station). Ms. Schultz also stated that according to her calculations, Circle K would need a total of 12.34 parking spaces. Although there are 8 parking spaces presently, the applicant must find room to fit four additional spaces without violating the setback and road right-of-way requirements.

Ms. Susan Moore stated that she contacted Summit County Engineer to confirm the right-of-way distances to the parking areas.

Ms. Schultz asked the Board for clarification on her parking calculation total. Vice-Chairman Robinson stated that the parking should be rounded down to 12 spaces required.

Vice Chairman asked Ms. Moore which parking space would be identified as handicap.

Ms. Moore responded by saying, "right now there are no ADA compliant parking spaces. However, Circle K intends to include a minimum of one handicap parking space."

Ms. Schultz stated that she would request that each parking spot be striped due to the amount of traffic coming in and out of the station.

Mr. Wilkerson asked Ms. Schultz what the minimum side-line setback requirement is for parking.

Ms. Schultz responded by saying, "20' from the street right-of-way."

Mr. Call asked Ms. Moore which way the dump-truck came in to empty the trash bin?

Ms. Moore stated that the garbage truck came in from Jacoby Rd. and would fit even if an additional parking spot was created in the rear of Circle K.

**Mr. Juve moved to close the public hearing, Mr. Wilkerson second. Mr. Robinson called for a vote. Mr. Juve, aye, Mr. Call, aye, Mr. Wilkerson, aye. The motion carried.**

**Mr. Wilkerson moved for the approval of the application with the condition that one (1) additional compliant parking space be added to the site plan, Mr. Juve, second. Mr. Robinson called for the vote. Mr. Call, aye, Mr. Juve, aye, Mr. Wilkerson, aye. The motion carried.**

With no further business to come before the Board, the meeting was adjourned at 7:08 p.m.

FUTURE MEETING DATE: September 24, 2008.

Approved By:

Submitted By:

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Dave Robinson, Vice-Chairman

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Matt Springer, Assistant Z.I.