

BOARD OF ZONING APPEALS MEETING MINUTES
AUGUST 26, 2009
6:00 P.M.

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

OLD BUSINESS:

PUBLIC HEARING

APPLICANT: **RALPH AND SUE EZZIE**

LANDOWNER: **RALPH AND SUE EZZIE**

LOCATION: **4666 COPLEY RD.**

ZONING DISTRICT: **R-1 RESIDENTIAL**

VARIANCE: **ART. III, SEC. 302 CC. PRIVATE GARAGE**

Mr. Robinson opened the public hearing.

Mr. Robinson swore in all persons that wished to speak.

Mr. Robinson swore in Assistant Zoning Inspectors Matt Springer and Sue Schultz.

Ms. Schultz stated that this applicant was before the Board at the July 29, 2009 meeting but tabled the request so that a revised application could be made.

Ms. Schultz stated that the applicant originally requested to have a second detached garage consisting of 1,800 square feet but have since then revised their application. The current detached garage consists of 768 square feet and the applicant is requesting to build an addition to this structure consisting of another 768 square feet. The total size of the new detached garage would be 1,536 square feet.

Ms. Schultz stated that the Copley Fire Department was asked to comment on any concerns they may have regarding the non-paved access to the proposed structure. The Fire Department had no concerns.

Ms. Susan Ezzie stated that she and her husband, Ralph, altered the original plans to reduce the total number of structures on the lot and allow for a greater setback to the western property line. Mrs. Ezzie stated that the new setbacks to the proposed detached garage addition are as follows:

- 390 feet from road right-of-way
- 54 feet from western side property line
- 90 feet from eastern side property line
- 369 feet from rear property line

Mr. Robinson asked for additional comments. None were offered.

Mr. Juve moved to close the public hearing, Mr. Hose, second.

Mr. Robinson called for a vote.

Roll call on the motion:

Aye: Dave Robinson, Bob Juve, Neal Call, Paul Wilkerson, Russ Hose.

Nay: None

Abstain: None

The motion carried.

Mr. Robinson asked for discussion from the Board.

Mr. Hose moved to approve the revised application and allow an additional 768 square feet to be added onto the existing 768 square foot detached garage for a total of 1,536 square feet, Mr. Wilkerson, second.

Mr. Robinson called for a vote.

Roll call on the motion:

Aye: Dave Robinson, Russ Hose, Bob Juve, Paul Wilkerson, Neal Call.
Nay: None
Abstain: None
The motion carried.

PUBLIC HEARING

APPLICANT: GARY & DENISE RIGGS

LANDOWNER: GARY & DENISE RIGGS

LOCATION: PPN: 1500106 S. CLEVELAND-MASSILLON RD.

ZONING DISTRICT: R-2 RESIDENTIAL

VARIANCE: SECTION 411-4 (B)

Mr. Robinson opened the public hearing.

Mr. Robinson swore in all persons that wished to speak.

Ms. Schultz stated that the landowner is requesting to combine two lots. The first parcel is identified as PPN: 15-00106 and consists of 14.549 acres. The second parcel is identified as PPN: 15-07695 and consists of 15 acres. The two combined lots would consist of 29.549 total acres. The lot that consists of 14.549 acres is an existing lot of record and currently does not meet the minimum lot width at the minimum building setback line. Since the applicant is requesting to make the non-conforming lot larger, a variance from Section 411-1 (B) of the Zoning Resolution is required.

Ms. Schultz stated that the Copley Fire Department conducted a site visit and although did not object to the variance request, did have the following requests:

- Due to the nearly 4/10 of a mile driveway, please keep driveway 15 feet wide to allow for access in event of emergency.
- Maintain overhead growth of tree branches for squad vehicles to gain access to the dwelling
- Consider installing a fire pond
- Consider having house sprinkled internally

Mr. Tom Kranshan stated that he lived just north of Mr. Rigg's property and wasn't sure how the variance request would affect his property but voiced concern that there have been numerous four-wheelers riding through the nearby properties and doesn't want to see this negative activity encouraged by the development of the new property.

Mrs. Laura Kranshan stated that she would like to see the lots remain wooded and undeveloped.

Mr. Riggs stated that he has recently installed barbwire fencing around his property to eliminate this type of activity. Mr. Riggs continued by saying a gate will be placed at the entrance of the property for additional security. Mr. Riggs testified that he has been working with the Ohio Department of Natural Resources to certify his property as a registered "Woodland". Mr. Riggs assured Mr. and Mrs. Kranshan that he would work to preserve the rural atmosphere.

Mr. Robinson asked for any additional comments from the floor. None were offered.

Mr. Juve moved to close the public hearing, Mr. Call, second the motion.

Mr. Robinson called for a vote.

Roll call on the motion:

**Aye: Dave Robinson, Bob Juve, Paul Wilkerson, Neal Call,
Russ Hose.
Nay: None
Abstain: None
The motion carried.**

Mr. Robinson asked for discussion from the Board.

Mr. Wilkerson moved to approve the application as submitted, Mr. Juve second.

Mr. Robinson called for a vote.

Roll call on the motion:

**Aye: Dave Robinson, Paul Wilkerson, Neal Call, Russ Hose,
Bob Juve.
Nay: None
Abstain:
The motion carried.**

PUBLIC HEARING
APPLICANT: **DAN MARCHETTA**
LANDOWNER: **MARMONT LTD.**
LOCATION: **3557 COMMERCIAL DRIVE**
ZONING DISTRICT: **C-2 COMMERCIAL**
VARIANCE: **SECTION 601-4 (B)**

Mr. Robinson opened the public hearing.

Mr. Robinson swore in all persons that wished to speak.

Ms. Schultz stated that on September 24, 2008 the Board of Zoning Appeals approved an indefinite Conditional Use for a proposed school for autistic children grades kindergarten through eighth grade as well as variances for all outside activities to be within 100 feet of all property lines. However, the configuration of the building and parking areas have been redesigned. Therefore, the Zoning Department is requesting that the Board approve the new layout which again will have reductions in the setback from abutting property lines.

Mr. Michael Marchetta from Marmont Ltd. stated that due to a few significant changes in the direction of the autism school, a different building layout is being requested. As a result, some of the distances from outside activities areas to abutting property lines have changed. Therefore, the applicant is requesting a reduction at these points.

Mr. Wilkerson asked if any activity areas would encroach into the riparian setbacks to the southern property line.

Mr. Marchetta said, "No."

Mr. Robinson asked for any additional comments from the floor. None were offered.

Mr. Hose moved to close the public hearing, Mr. Call, second the motion.

Mr. Robinson called for a vote.

Roll call on the motion:

Aye: Dave Robinson, Bob Juve, Paul Wilkerson, Neal Call,
Russ Hose.
Nay: None
Abstain: None
The motion carried.

Mr. Robinson asked for discussion from the Board.

Mr. Hose moved to approve the application as submitted, Mr. Wilkerson second, approving the variance request.

Mr. Robinson called for a vote.

Roll call on the motion:

Aye: Dave Robinson, Paul Wilkerson, Neal Call, Russ Hose,
Bob Juve.
Nay: None
Abstain:
The motion carried.

Mr. Robinson asked the Board to approve the minutes dated July 29, 2009.

Mr. Juve moved to approve the minutes dated July 29, 2009 as submitted, Mr. Hose second the motion.

Mr. Robinson called for a vote.

Roll call on the motion:

Aye: Dave Robinson, Paul Wilkerson, Russ Hose, Bob Juve.
Nay: None
Abstain: Neal Call
The motion carried.

The Board set the next meeting for Wednesday, September 30, 2009 at 6:00 pm.

With no further business to come before the Board, the meeting was adjourned at 7:00 p.m.

Approved By:

Submitted By:

Dave Robinson, Vice Chairman

Matt Springer, Assistant Z.I.