

**BOARD OF ZONING APPEALS  
MEETING MINUTES  
11-18-2010**

Vice-Chair Robinson convened the Board of Zoning Appeals meeting at 6:00 p.m. Present were Neal Call, Naureen Dar, Paul Wilkerson, Bob Juve, Russ Hose and Dave Robinson. Joe Weinstein was absent. Sue Schultz and Matt Springer were in attendance.

**OLD BUSINESS:**

CONTINUED PUBLIC HEARING

APPLICANT: **2799 COPLEY ROAD LLC**

LANDOWNER: **2799 COPLEY ROAD LLC**

LOCATION: **2799 COPLEY ROAD**

ZONING DISTRICT: **C-4 COMMERCIAL**

CONDITIONAL: **ART. IV, SEC. 423-3-B. CLUB, LODGE OR FRATERNAL ORGANIZATION SUBJECT TO SUBSECTIONS 802-2-103, 104, 105 AND 117.**

Mr. Robinson opened the public hearing.

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

Ms. Schultz stated that at the Board of Zoning Appeals meeting that was held on October 12<sup>th</sup>, the Board recommended that the applicant file for a Conditional Use for a "club". During the public hearing on the prior application for a "use variance", the Board determined the proposed Use could be considered a club.

Atty. David Firestine stated the proposed use of the property located at 2799 Copley Road will be for a traumatic brain injury group that is organized by the community Health Center, a local not-for-profit agency. The group is comprised of individuals who have suffered with traumatic brain injuries and it meets on a daily basis so those individuals can socialize with one another in a safe and accepting environment. The individuals participate in voluntary activities that include cooking, gardening and playing games, among other socializing activities. The individuals in the group are responsible for the routine housekeeping of the facility. Insofar as the individuals in the group associate with each other for a common purpose and meet regularly, the proposed use will be harmonious with and in accordance with the objectives of the Township's zoning resolution and will not be detrimental to existing or future uses in the immediate vicinity or the community as a whole. The parking, traffic and other impact on the surrounding properties will be minimal.

Mr. Richard Bennett stated that the definition and brief description from the Community Clubhouse for brain injuries is as follows: "The name Clubhouse, itself, came about because it is a place for people to congregate and be accepted for who they are. The Traumatic Brain Injured (TBI) Clubhouse is designed to help TBI individuals move away from an environment where treatments are administered to them; to an environment where they once again reciprocate and contribute to the community. The Clubhouse empowers TBI individuals to once again assume responsibility and direction for their own lives. The distinction between a Clubhouse model and the "traditional" treatment models is that Clubhouses are member driven. Members are responsible for the overall programming; and further, they have first rights and responsibilities for activities. To facilitate this purpose, a staff does exist, but with limited number and authority. The Clubhouses benefit members by

establishing social networks, providing leisure and recreational activities, and assisting in housing, transportation, education and work. The activities of a clubhouse are organized into a work ordered day to provide structure. The goal is for each member to develop new skills, meet new people, and develop an identity and purpose. Members who have successfully re-integrated into the community are always welcome to return in times of need to share success stories."

Mr. Robinson stated they meet the definition of a club as well as the Conditions in Article 8 for this Use.

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

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

**Mr. Hose moved to approved an indefinite Conditional Use as submitted, Mr. Call, second. Mr. Robinson called for the vote. Mr. Call, aye, Mr. Hose, aye, Mr. Wilkerson, aye, Mr. Juve, aye. The motion carried.**

CONTINUED PUBLIC HEARING

APPLICANT: **GLEN HURYN**

LANDOWNER: **GLEN HURYN**

LOCATION: **2879 RESERVE AVENUE**

ZONING DISTRICT: **I-1 LIGHT INDUSTRIAL**

VARIANCE: **ART. IV, SECTION 430-4 C. REDUCTION IN THE SIDE YARD SETBACK**

Mr. Robinson opened the public hearing.

Mr. Robinson sworn in all persons who wished to speak.

Ms. Schultz stated that the request before the Board is for a reduction in the required side yard setback (25 feet is required, 14 feet is proposed) for an addition to an existing structure.

Question #12 from the Variance application: Please explain the practical difficulties or unnecessary hardship which justify this application for a variance: "Septic system prohibits addition to other side."

Mr. Springer stated that this property is located in the West Schocalog Estates subdivision, which was platted in 1921. There is a paper street (Sollman) to the west of Mr. Huryn's lot which was never built. There is a 50-foot right-of-way.

Mr. Huryn stated that he has been working with Summit County to vacate the right-of-way of this street. The property would then be split down the middle, giving each property owner one half. This process was started in May 2010, and can take up to a minimum of 18 months.

Mr. Springer stated that our Service Director does not have a problem with Mr. Huryn's request.

Mr. Springer stated that if the dedicated right-of-way was not there, Mr. Huryn would not need a Variance.

Mr. Robinson asked for comments from the floor.

Mr. Robert Hudson was sworn in and stated that he just wants to get closer to the paper street with his addition but at this point does not own it.

Ms. Schultz stated that Variances expire in one year if they are not used. If not used, the landowner must reapply.

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

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

CONTINUED PUBLIC HEARING

APPLICANT: **NICHOLAS ROTH**

LANDOWNER: **NICHOLAS ROTH**

LOCATION: **3285 HEMPHILL ROAD**

ZONING DISTRICT: **R-2 RESIDENTIAL**

VARIANCE: **ART. IV, SEC. 411-4 D. REDUCTION IN THE MINIMUM FRONT YARD DEPTH FROM THE STREET RIGHT-OF-WAY LINE**

Mr. Robinson opened the public hearing.

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

Mr. Springer stated that the application before the Board is for a reduction in the front yard setback from sixty (60) feet to fifty (50) feet for an addition to an existing home. This property is in the Brenner Estates Subdivision which was platted in 1959 with a 60-foot front setback. Since this property is in a platted subdivision it cannot be considered a substandard lot of record. If this property would have been considered a substandard lot of record, the minimum front setback would be 45-feet from the road right-of-way.

Mr. William Rice, 3266 Hemphill Road, stated that he lives directly across the street from this property. Mr. Roth's property was vacant for three years and has continually deteriorated. Mr. Rice encourages this variance be approved.

Mr. Ed Gainer lives next door to Mr. Roth and he is glad this property is going to be improved.

Mr. Marty Caruso stated that Mr. Roth would like to increase the size of an existing garage, increase the size of the existing kitchen as well as a new front entrance.

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

**Mr. Wilkerson moved to approve the variance for the front yard setback as submitted, Mr. Juve, second. Mr. Robinson called for the vote. Mr. Call, aye, Mr. Juve, aye, Mr. Hose, aye, Mr. Wilkerson, aye. The motion carried.**

CONTINUED PUBLIC HEARING

APPLICANT: **DAVID SMITH**

LANDOWNER: **LAND HOLDINGS LLC**

LOCATION: **150 SPRINGSIDE DRIVE**

ZONING DISTRICT: **C-4 COMMERCIAL**

**VARIANCE: ART. VI, SECTION 601-4 G. REQUESTING A REDUCTION IN THE MINIMUM PARKING SPACE SETBACK WHICH IS TWENTY (20) FEET FROM THE RIGHT-OF-WAY; AND A REDUCTION IN THE REQUIRED NUMBER OF PARKING SPACES**

Mr. Robinson opened the public hearing.

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

Mr. Springer stated that the applicant was reduction in the setbacks for parking spaces from the road right-of-way, twenty (20) feet is required and 17 feet is proposed. The applicant is also requesting a reduction in the number of required parking spaces from 62 to 58. There are 37 existing parking spaces and they are planning to install an additional 21 parking spaces for a total of 58.

Question #12 from the variance application: Please explain the practical difficulties or unnecessary hardship which justify this application for a variance: "The original store was designed for retail requiring only one parking space per 600 square feet of sales area. This makes the other retail uses short on parking due to one parking space per 200 square feet requirement that would be difficult to meet due to the limited size of site."

Captain Doug Doller, Dean Constand, (both representing the Salvation Army), and David Smith (architect) went before the Board.

Mr. Springer stated that one of the variances originally applied for was no longer necessary due to a reconfiguration of the parking space setback from the road right-of-way.

Mr. Smith stated that they had to get their drawings in by the deadline for this meeting. He took the data off of an old site plan. He received the original site engineering drawings and found the original pins. There is no encroachment into the setback from right-of-way.

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

**Mr. Hose moved to approve the variance for a reduction in the number of parking spaces from 62 to 58, the variance for the setback for one parking space from the road right-of-way was not necessary, Mr. Wilkerson, second. Mr. Robinson called for the vote. Mr. Wilkerson, aye, Mr. Juve, aye, Mr. Hose, aye, Mr. Call, aye. The motion carried.**

**Mr. Hose moved approval of the minutes of October 13<sup>th</sup> as read, Mr. Wilkerson, second. Mr. Robinson called for a vote. Mr. Wilkerson, aye, Mr. Juve, aye, Mr. Call, aye, Mr. Hose, aye. The motion carried.**

**Mr. Call moved approval of the minutes of November 10<sup>th</sup> as read, Mrs. Dar, second. Mr. Robinson called for a vote. Mr. Call, aye, Mrs. Dar, aye, Mr. Wilkerson, aye. The motion carried.**

Next meeting date: December 8, 2010.

With no further business to come before the Board, the meeting was adjourned at 6:45 p.m.

Approved By:

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Dave Robinson, Vice-Chair

Submitted By:

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Sue Schultz, Zoning Insp.