

BOARD OF ZONING APPEALS MEETING  
September 24, 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, Dave Robinson and Russell Hose. Bill Daniel and Joe Weinstein were absent. Sue Schultz and Matt Springer Assistant Zoning Inspectors were present.

**Mr. Robinson moved to approve the minutes from August 27, 2008 as submitted and postpone the approval of the minutes from July 23, 2008 until the next Board of Zoning Appeals meeting, Mr. Wilkerson, second. Mr. Robinson called for the vote. Mr. Hose, aye, Mr. Juve, aye, Mr. Wilkerson, aye, Mr. Call, aye. The motion carried.**

**NEW BUSINESS:**

PUBLIC HEARING

APPLICANT: **MARMONT LTD.**

LANDOWNER: **MARMONT LTD.**

LOCATION: **3557 COMMERCIAL DRIVE**

ZONING DISTRICT: **C-2**

CONDITIONAL USE: **REQUEST FOR A SCHOOL/EDUCATION FACILITY PURSUANT TO SECTION 421-3 (J).**

VARIANCE: **REDUCTION FROM SECTION 802-3 (J) WHICH REQUIRES ALL STRUCTURES AND ACTIVITY AREAS BE A MINIMUM OF 100' FROM ALL PROPERTY LINES.**

Vice-Chairman Robinson opened the public hearing.

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

Mr. Michael Marchetta stated the property is zoned C-2 Commercial and allows for "Schools/Educational Facilities" as a conditional use. Mr. Marchetta continued by stating that the educational facility is designed to teach autistic students and would consist of a community outreach program, a diagnostic center, four classrooms and a small gym.

Vice-Chairman Robinson asked if the applicant is requesting a two-year Conditional or an Indefinite Conditional Permit.

Mr. Marchetta stated the request is for an Indefinite Conditional Use.

Vice-Chairman Robinson stated that Section 421-3 (J) was subject to Subsections 802-2-101, -102, -103, -105, -106, -111, and -117 of the Zoning Resolution. Vice-Chairman Robinson asked Mr. Marchetta if they would satisfy each of these Subsections.

Mr. Marchetta said "yes, each of these Subsections will be satisfied."

Ms. Schultz asked Mr. Marchetta to briefly explain how the site would

comply with the Riparian requirements of the Zoning Resolution.

Mr. Marchetta stated the entire building will be located outside the Riparian. Mr. Marchetta continued by saying the only area which may be located within the Riparian is the playground and these areas will be perforated.

Mr. Wilkerson asked if the playground perforated material will be "ADA" compliant?

Mr. Marchetta said "yes, we will be using ADA compliant mulch."

Mr. Wilkerson asked Mr. Marchetta what type of post construction storm water management facilities the site will have?

Mr. Marchetta said the plans for the entire development have been approved by the Summit County Engineers office and consists of sufficient post construction facilities to handle water retention.

Mr. Call asked Mr. Marchetta for clarification on "diagnostic" and "treatment" within the facility.

Mr. Marchetta said treatment would not consist of medical treatment but rather educational treatment.

Mr. Call asked if the school would be in session year round.

Mr. Marchetta said "yes."

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, Mr. Hose, aye. The motion carried.**

**Mr. Wilkerson moved for the approval of the Conditional Use for an indefinite period with the condition that all facilities be ADA compliant and surface material within the Riparian setback be pervious materials, Mr. Call, second. Mr. Robinson called for the vote. Mr. Call, aye, Mr. Juve, aye, Mr. Wilkerson, aye, Mr. Hose, aye. The motion carried.**

Vice-Chairman Robinson re-opened the public hearing for the second request.

Vice-Chairman Robinson stated the second request is for a Variance from Section 802-2-101 which requires all structures and activity areas be located at least one hundred (100) feet from all property lines.

Vice-Chairman Robinson asked if any owners were present which own adjacent properties to this lot. Vice-Chairman Robinson asked that

the record reflect that no adjacent property owners were present.

Ms. Schultz asked that if the Board approved the Variance, would it be based upon the drawings that Mr. Marchetta has presented tonight.

Vice-Chairman Robinson said "yes."

Mr. Wilkerson asked if this school would have busses to transport students and would there be enough clearance under the proposed canopy.

Mr. Marchetta said "yes, we contacted the Copley-Fairlawn School District to determine what the turn radius would be for full-size school busses and we have designed our turns to meet these specifications as well as clear the canopy."

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, Mr. Hose, aye. The motion carried.**

**Mr. Hose moved for the approval of the Variance based upon what has been submitted to the Zoning Department, Mr. Juve, second. Mr. Robinson called for the vote. Mr. Call, aye, Mr. Juve, aye, Mr. Wilkerson, aye, Mr. Hose, aye. The motion carried.**

With no further business to come before the Board, the meeting was adjourned at 6:37 p.m.

FUTURE MEETING DATE: Wednesday, October 22, 2008.

Approved By:

Submitted By:

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Dave Robinson, Vice-Chairman

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Matt Springer, Assistant Z.I.