

COPLEY TOWNSHIP BOARD OF ZONING APPEALS 4323 BENTLEY DRIVE STAFF REPORT

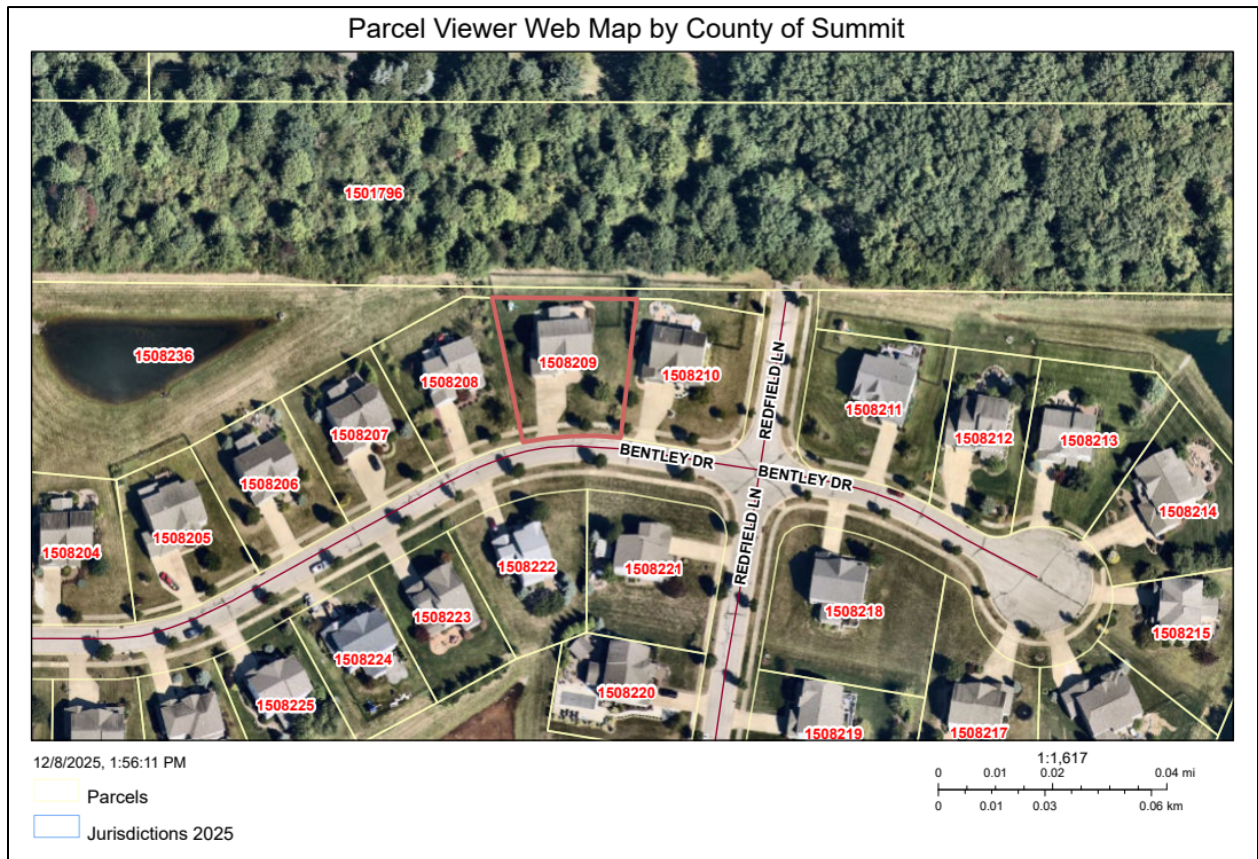


December 10, 2025

PROJECT: Inground Swimming Pool PPN: 1508209	APPLICATION TYPE: Variance
APPLICANT/LANDOWNER	APPLICANT: Mitchel Weaver, RIH Pools LANDOWNER: David G and Rochele Groudle
COMPANY PERFORMING WORK REQUESTED	RIH Pools
INVESTMENT	\$100,000 (Estimate)
APPLICATION SUMMARY	Applicant, Mitchel Weaver of RHI Pools, is requesting a variance to place an inground swimming pool to the side of the dwelling.
INITIATED BY	Applicant
DECISION TYPE	<input type="checkbox"/> Informational <input type="checkbox"/> Direction <input checked="" type="checkbox"/> Action
CODE REFERENCES	Article 6.01 CC. Swimming pools shall be located entirely to the rear of the main building...
GENERAL LOCATION	The property is located on the north side of Bentley Drive, north of Ridgecrest Drive and east of Hametown Road.
LAND AREA	0.33 Acre
ZONING	PDD (Planned Development District)
NOTIFICATION	West Side Leader Landowner/Applicant Notification letters
STAFF COMMENTS	<ul style="list-style-type: none"> • There is a 20' drainage easement located in the rear of the property • HOA approval required • Proposed placement will be visible from the roadway • A variance was granted on 4/13/2022 to 506 Redfield Lane for the purpose of placing an inground pool to the side of the dwelling.

PROPERTY LOCATION

SITE	ZONING	LAND USE
North	PDD	Subdivision Open Space
South	PDD	Residential
West	PDD	Residential
East	PDD	Residential



PROJECT BACKGROUND AND DESCRIPTION

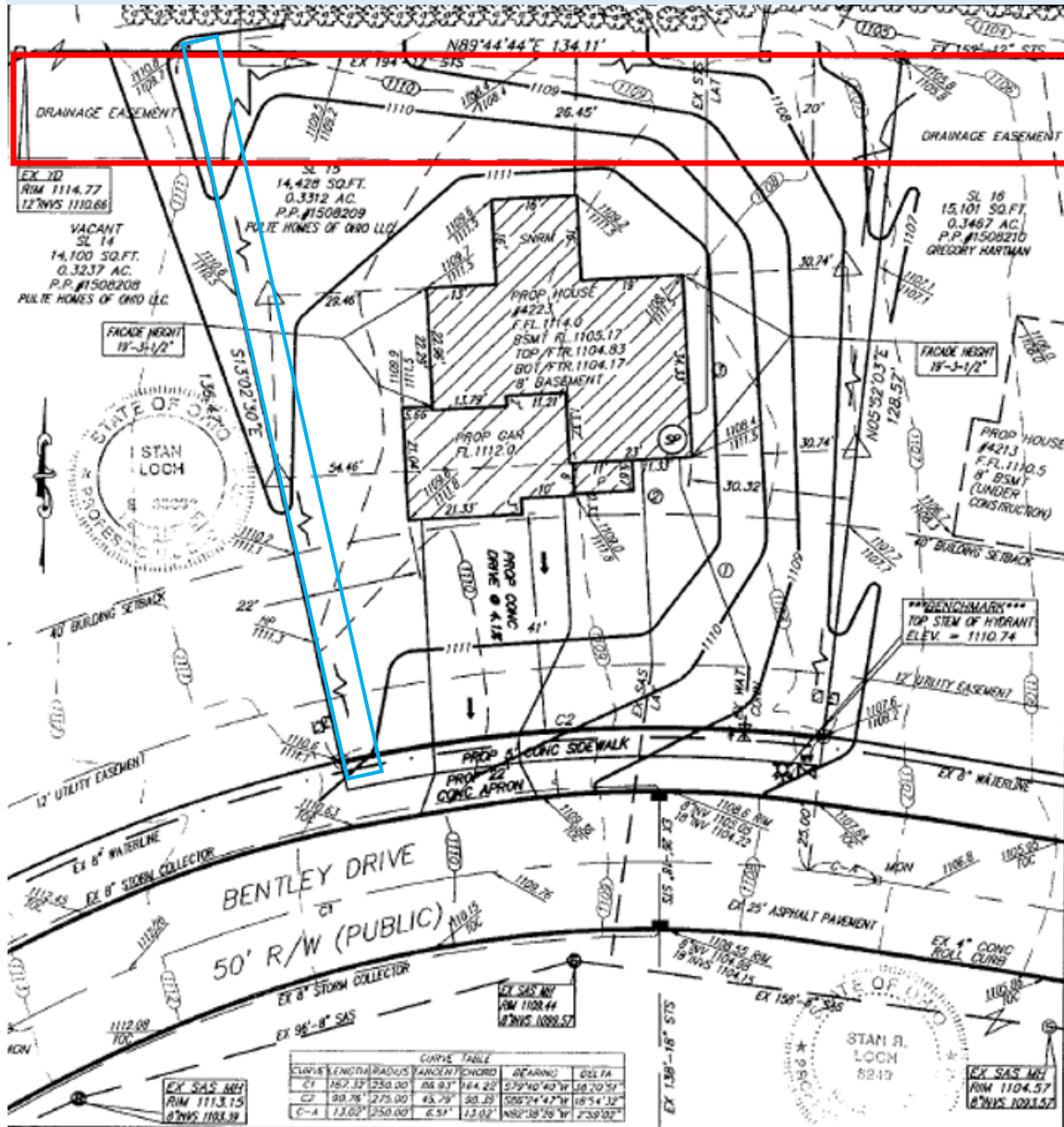
Applicant, Mitchel Weaver, is requesting a variance to place an inground swimming pool to the side of the dwelling at 6' from the western side yard property line. The pool is 16' in width and 33' in length. The pool will be surrounded by a patio. The perimeter patio is 3' in width. A perimeter patio is not included in the required setback. We recommend that patios are located at least 3' from all property lines.

There is an identified swale along the western property line. Applicant is aware of the swale identified on the site plan. Summit County Engineers Office and Copley Township have recommended that no part of the proposed pool or patio impede the swale. Applicant states that the placement of patio and pool foundation will not impede the flow of swale.

VARIANCE 1

Per Article 6.01 CC. Swimming pools shall be located entirely to the rear of the main building...

The applicant is seeking a variance to place the pool to side of the dwelling.
Location of drainage easement limit practical placement to the rear of the dwelling.

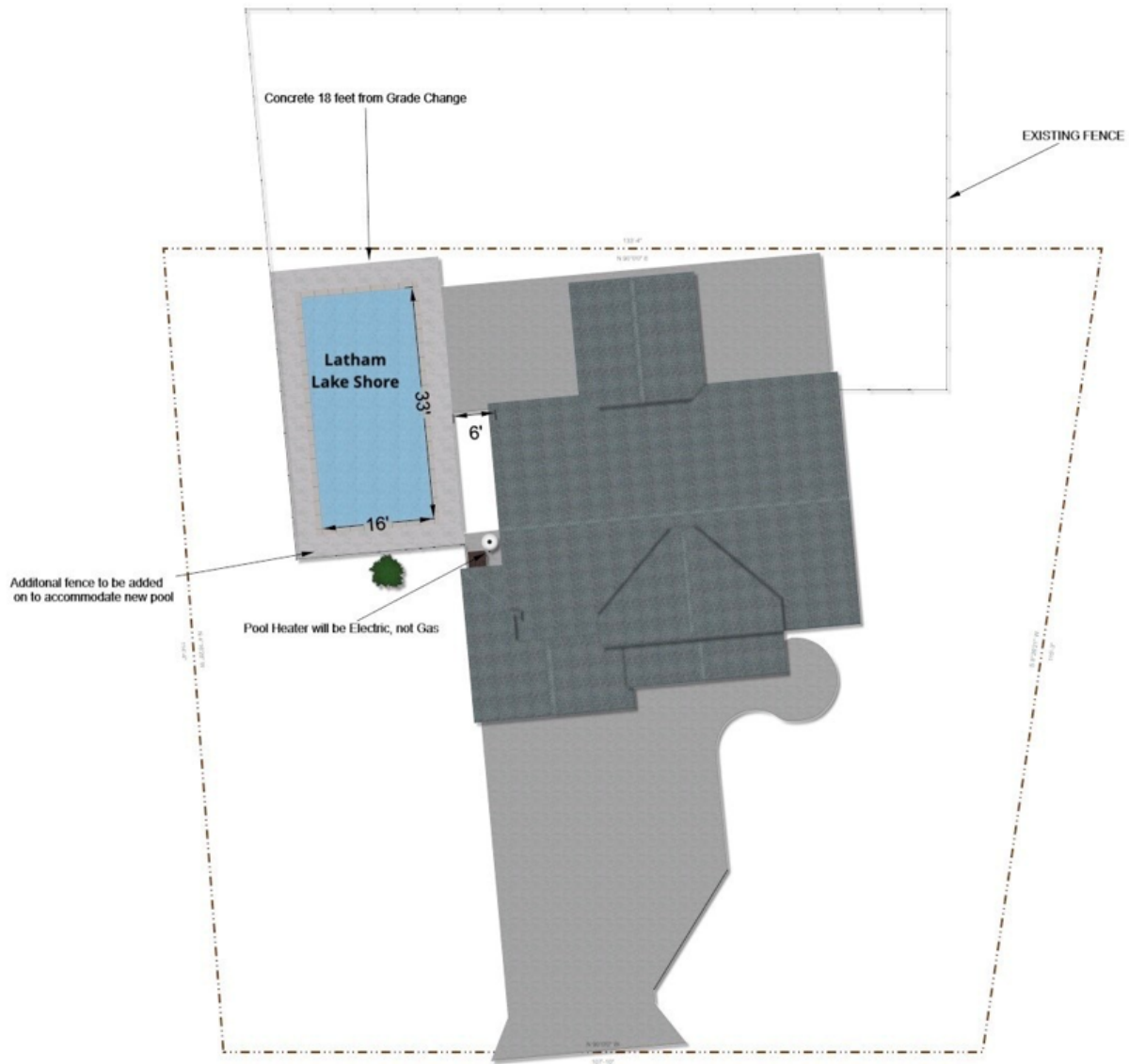


VARIANCE 2

and 15' from the rear and side yard property lines.

The applicant is seeking a 9' reduction in the required 15' side yard property line regulation along the western property line.

[illegible]





PER THE APPLICANT: REVIEW CRITERIA

Per the applicant, the Practical Difficulties that justify this application include:

The property's rear yard contains a drainage easement owned and maintained by the Homeowners Association (HOA). Because of this easement, construction of a pool in the backyard is prohibited and would interfere with the drainage system that serves multiple properties. This restriction makes it impossible to place the pool in the rear yard without violating HOA and easement conditions. As a result, the only practical and compliant location for the pool is along the side of the house, where installation can occur without impacting the drainage easement or altering natural water flow. Denial of this variance would leave the homeowners with no feasible location to install a pool on their property, effectively forcing them to relocate if they wish to have one. Granting this variance allows reasonable enjoyment and use of the property consistent with other homes in the neighborhood, while fully preserving the function of the existing drainage system.

Per the applicant, the granting of the variance would have no negative effects to the neighborhood or community.

Granting this variance will not negatively affect the immediate neighborhood or surrounding community. The proposed pool location on the side of the home will maintain all required safety setbacks, fencing, and screening standards. The pool will be designed and landscaped to complement the existing property and remain consistent with the character of nearby homes. This placement also preserves the neighborhood's drainage infrastructure by avoiding any disturbance to the HOA-owned easement in the rear yard. No changes to natural water flow or shared drainage systems will occur. Overall, the variance will allow for safe and responsible use of the property without creating any visual, environmental, or practical impact on adjoining lots or community infrastructure.

INTERNAL REVIEW

VARIANCE STANDARDS (Duncan v. Middlefield)

- a) Can the property in question yield a reasonable return or can there be a beneficial use of the property without the variance?
- b) Is the variance substantial?
- c) Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment as a result of the variance?
- d) Does the variance adversely affect the delivery of governmental services (i.e. water, sewer, garbage)?
- e) Did the applicant purchase the property with knowledge of zoning restrictions?
- f) Can the property owner's predicament be obviated through some other method than a variance?
- g) Would the spirit and intent behind the zoning requirements be observed and substantial justice done by granting the variance?

SUGGESTED MOTIONS

BOARD OF ZONING APPEALS

The Copley Township Board of Zoning Appeals motions to (approve/approve with conditions/deny) of the applicants request as follows:

- **Variance 1:** Place the pool to the side of dwelling
- **Variance 2:** 9' reduction in the required 15' side yard setback along the western property line for the purpose of placing an inground pool

STAFF COMMENTS:

- There is a 20' drainage easement located in the rear of the property
- HOA approval required
- Proposed placement will be visible from the roadway
- A variance was granted on 4/13/2022 to 506 Redfield Lane for the purpose of placing an inground pool to the side of the dwelling.

