

COPLEY TOWNSHIP BOARD OF ZONING APPEALS STAFF REPORT

August 14, 2019



APPLICANT SUMMARY

PROJECT: 3981 Encell Drive PPN: 1508080	APPLICATION TYPE: Variance
APPLICANT/LANDOWNER	Brent & Jennifer Scarbrough
COMPANY PERFORMING WORK REQUESTED	TBD
INVESTMENT	\$15,000
APPLICATION SUMMARY	<p>Applicant/Landowner, Brent and Jennifer Scarbrough, are requesting a variance for a 32' encroachment into the floodplain for the purpose of placing a deck on the rear of the home and reconstructing a pre-existing addition which was placed without a permit. The disturbance to the floodplain is caused by the installation of the deck footers required to support the deck.</p> <p>Additionally, the applicant/landowner is also requesting a variance for a 15' encroachment into the required 40' rear yard setback.</p>
INITIATED BY	Applicant
DECISION TYPE	<input type="checkbox"/> Informational <input type="checkbox"/> Direction <input checked="" type="checkbox"/> Action
ADVERTISEMENT	Notification was placed in the West Side Leader and notifications were sent via mail to adjacent property owners.
CODE REFERENCES	<p>Article 15, Section 15.06-Uses Prohibited in the Riparian, A. CONSTRUCTION: There shall be no structures of any kind, except as permitted in these regulations.</p> <p>Article 3, Section 3.07, e.-Detached single family-minimum rear yard depth=40'.</p>
GENERAL LOCATION	Encell Drive is located inside of the Creekstone Subdivision. The subdivision is located north along Copley Road, east of Hametown Road, and west of SR 21.

ZONING	PRDD (Planned Residential Development District)
STAFF RECOMMENDATION	Approval

PROPERTY LOCATION

SITE	ZONING	LAND USE
North	PRDD	Creekstone HOA Open Space
South	PRDD	Single Family
West	PRDD	Single Family
East	PRDD	Single Family



Dimensions of New Construction:

Length: 32' Width: 17'

Blue and red shade represent the floodplain.





Image of Scarbrough property showing the addition which will be reconstructed to bring into compliance and remedy existing construction quality issues.



1. Project Background and Description

Applicant/Landowner, Brent and Jennifer Scarbrough, are requesting a variance for a 32' encroachment into the floodplain for the purpose of placing a deck on the rear of the home and reconstructing a pre-existing addition, approximately 10' x 12", which was placed without a permit. New disturbance to the floodplain is caused by the installation of the deck footers required to support the deck.

Additionally, the applicant/landowner is also requesting a variance for a 15' encroachment into the required 40' rear yard setback. Decks are permitted to encroach 10' into the rear yard setback (the total encroachment is 25').

PER SUMMIT COUNTY SOIL & WATER

Desk posts within the floodplain/riparian area is not seen as an "impact" for our office as long as natural vegetation is not removed during installation; precedence has been set to allow for deck posts, reason being flood waters can still move under the deck area, unlike a fence which would restrict the waters movement. With this property, removal of natural native vegetation would not be needed in order to install the desk posts, so overall, this office would support the variance request.



REVIEW CRITERIA

a) Can the property in question yield a reasonable return or can there be a beneficial use of the property without the variance? Yes.

b) Is the variance substantial? Yes. The entire project is located within the designated floodplain.

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? No.

d) Does the variance adversely affect the delivery of governmental services (i.e. water, sewer, garbage)? No.

e) Did the applicant purchase the property with knowledge of zoning restrictions? Uncertain.

f) Can the property owner's predicament be obviated through some other method than a variance. Any addition to the property will occur in the floodplain due to the location of the floodplain on the property.

g) Would the spirit and intent behind the zoning requirements be observed and substantial justice done by granting the variance? Yes and supported by Summit County Soil & Water.

PRACTICAL DIFFICULTY/UNNECESSARY HARDSHIP

Per the applicant, the current deck needs to be rebuilt to remedy an existing problem of mold in the storage area. There are no stairs off of the back of the deck or a secondary means of egress. This would improve the use and condition of the existing deck and storage area.

VARIANCE EFFECT ON IMMEDIATE NEIGHBORHOOD & GENERAL COMMUNITY

Per the applicant, The HOA encourages decks and patios and it would improve the value of our home. Post will be dug and river rock will be placed under the deck.

SUGGESTED MOTIONS AND AUTHORITY TO PROCEED

The Copley Township Board of Zoning Appeals moves to approve a 32' encroachment into the floodplain for the purpose of installing deck footers and reconstructing an existing 10' x 12' addition and a variance for a 15' reduction in rear yard setback related to the construction of the deck and reconstruction of the addition.

Rationale: Placement of deck footers are supported by the Summit County Soil & Water. Reconstruction of existing addition will make the structure and deck safer and bring the addition into compliance.