

COPLEY TOWNSHIP
 JACOBY ROAD PARCELS 1501734,
 1501735, 1503826
 RESIDENTIAL CONSERVATION
 DEVELOPMENT
 STAFF REPORT ADDENDUM A
 PUBLIC COMMENT/NOTIFICATION DOCUMENT



<p>*THIS IS A WORKING DOCUMENT</p> <p>PROJECT: Jacoby Road Rezoning Residential Conservation Development (R-CD) Parcels 1501734, 1501735, 1503826 (1625 Sunnyacres Road)</p>	<p>APPLICATION TYPE: Jacoby Road R-CD-General Development Plan; Final Development Plan; Variance Application</p> <p>Submitted: 10/12/2021</p>
<p>ARCHITECTURAL REVIEW BOARD NOTIFICATION</p>	<p>Notification beginning 10/12/2021 as follows:</p> <p>Posting on ARB Agenda Center, ARB Agenda Documents, Copley Township Website, Economic Development Projects of the Move</p> <p>11/1/2021 12/6/2021 1/3/2022 2/7/2022 3/7/2022 4/7/2022 5/2/2022 6/6/2022 7/5/2022 8/1/2022</p>
<p>WEST SIDE LEADER</p>	<p>ARB Meeting Notification</p> <p>11/1/2021 12/6/2021 1/3/2022 2/7/2022 3/7/2022 4/7/2022 5/2/2022 6/6/2022</p>

	7/5/2022 8/1/2022
BOARD OF ZONING APPEALS & ZONING COMMISSION MONTHLY REPORT FROM DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT PROJECTS ON THE MOVE	11/1/2021 12/6/2021 1/3/2022 2/7/2022 3/7/2022 4/7/2022 5/2/2022 6/6/2022 7/5/2022 8/1/2022
BOARD OF ZONING APPEALS	Landowner/Property Notification Letters 6/15/2022: Courtesy Notice of Upcoming Hearing-Notice of ARB Meeting Included 6/28/2022: Public Hearing Notice: Notice of Site Plan Review Ongoing 7/21/2022: Public Hearing Notice Copley Township Website 6/2022 7/21/2022 West Side Leader 6/23/2022 7/28/2022
PUBLIC COMMENT LETTERS *Letters are attached and available for public inspection and will be shared with Boards/Commissions accordingly	6/28/2022. Spring Garden Waldorf School. * STAFF RECOMMENDATION: #1, #2: Spring Garden Waldorf undertake studies outlined as the 3 rd party. #3: Applicant has provided the required study to the Copley Township and the Townships jurisdictional reviewer, Summit County Engineers Office-No additional improvements are required by Summit County Engineers Office #4, #5, #7, #8, #9 Spring Garden work directly with the applicant to determine the feasibility of such requests. #6: The grading plan, storm water management plan and all other civil documents to be reviewed by the Township's jurisdictional reviewers, Summit County Engineers/Summit Soil & Water Conservation District. 7/5/2022, 7/7/2022-Mark Wasick-Resident. 7/12/2022 Carl Talsma (this letter is inclusive of 106 cosigners) Paul Robinson Barb Robinson

NEIGHBORHOOD MEETING	<p>6/14/2022-Staff invited to attend a Neighborhood Meeting of Jacoby Road coordinated by Mr. Mark Wasick</p> <p>125+ in attendance-Majority in opposition of the project-Concerns include Traffic Impact on Schools</p> <p>Taxable impact on community services</p> <p>Number of units</p> <p>Apartments vs. Owner Occupied</p> <p>Wetlands/Trees/Wildlife</p> <p>Developer paid for studies/Opportunity for 3rd party studies</p> <p>Fill on site & underground</p>
COPLEY TOWNSHIP PUBLIC MEETINGS	<p>7/5/2022-Copley Township Architectural Review Board Meeting</p> <p>125+ in attendance-Majority in opposition of the project. 13 residents addressed the Board with the following concerns: Did not believe the public had been adequately notified, desire to maintain rural character, safety concerns regarding access to the Spring Garden Waldorf School, flooding, private roads, environmental (wetlands, wildlife), density credit, did not believe this fits in the Land Use Plan goals, number of units, rental units</p>
PUBLIC COMMENT EMAIL/PHONE CALLS/MEETINGS	<p>D'Amico-1943 Jacoby-Want to maintain rural character of the neighborhood, larger lot sizes, single family development only owner Occupied-Phone Call, Information Provided</p> <p>Wasick-1888 Jacoby, concern about proximity to the Sportsman's Club Range-Phone call, email, in person Visits-Information provided and responded to for all requests</p> <p>Paul Robinson-RCD regulations- Phone Call, Email-Information provided and responded to for all requests</p> <p>Carl Talsma-Phone Call-Regulations and density credit, rental units and taxable income, traffic, stormwater- Information provided and responded to for all requests</p> <p>Les Conner-1956 Jacoby-Proximity to school, request to SCPH Air Quality</p> <p>Sally Gamauf-S Cleve Mass, Request for ditch map</p> <p>Amy Hecky-Spring Garden Waldorf School-Receipt of letter</p> <p>Matt Plevrakis -Spring Garden Waldorf School. - Utilities, Water and sewer, Traffic on Jacoby Rd, Green space and privacy.</p> <p>1501 Sunnyacres-Opposing apartments</p> <p>1554 Sunnyacres-traffic, wetlands, density too high</p> <p>2905 Kendall Rd.-traffic, protect rural farm area</p> <p>Julie Toxell-Sunnyacres-Concern of public access using Sunnyacres Drive, impact of utilizing Sunnyacres infrastructure, wetlands</p> <p>Tara Talsman-Keep rural feel, concerned that this will set a precedent for development in this area of the Township.</p> <p>Mr. Weidlich, 1501 Sunnyacres Rd-Keep Copley Rural, does not support apartments</p> <p>Mr. Schaub-Opposing project</p>

Diane Kuczkowski-Ruralness, protect trees, Impact on schools, safety forces, Barb Robinson-Land Use Plan compatibility, downstream impact Art Herd-Water run off, continuation of hearing Autumn (and Walid) Kahwaji-Flooding, wetlands, traffic Jacoby Road Resident Since 1975-Opposes project; Does not believe Copley Fire and Police are equipped to handle additional residents Laura Sheppard-Jacoby Road-Concerns regarding dumping on site and viewshed from Indian mound located on her property

7/19/2022 Mr. Klien and Ms. Gfroerer met with Barb Robinson to review concerns regarding development in this part of the Township, discussed the Zoning Resolution regulations, application procedures, and the Comprehensive Land Use Plan.

7/22/2022 Mr. Klien and Ms. Gfroerer met with Amy Hecky and representative from Spring Garden Waldorf to discuss concerns of the project, status of review and requests of the applicant

8/4/2022 Mr. Klein and Ms. Marshall met with Mr. Paul Robinson and Mr. Will Dies to discuss the process and determinations of the Architectural Review Board Meeting held on 8/2022.



Janice Marshall, Director of Administration
Copley Township Board of Trustees
Shawna Gfroerer, Planning and Zoning Inspector
Copley Township Architectural Review Board
Copley Township Zoning Commission
Loudan Klein, Director of Community and Economic Development
1540 S. Cleveland Massillon Rd
Copley, OH 44321

June 28, 2022

Dear Copley Township Leadership,

This letter is in regard to the proposed Jacoby Rd. development by PrideOne Construction to be taken into consideration for the July 5, 2022, Architectural Review Board meeting and the July 13, 2022 Zoning Commission meeting.

To look at this objectively and inform decisions of how to proceed, we have spoken with a variety of professionals to gain an understanding of the development plans and the impact this development will have on our organization. Through these conversations and reading of the plans, Amy Hecky, Director of Administration; Matt Plevrakis, Facilities Manager and the Board of Trustees of Spring Garden Waldorf School respectfully submit the concerns and requests below:

Spring Garden Waldorf School Concerns Regarding PrideOne Development on Jacoby Rd.

- Safety and Security of the students and staff
- Privacy- our students spend much of their day outdoors on the SGWS property
- Groundwater and well water impact
- Electric power disturbance
- Daily Traffic issues on Jacoby, especially during arrival and dismissal for school
- Impact on the local environment including, but not limited to wetlands and wildlife
- Noise and air pollution during construction
- Drainage

Spring Garden Waldorf School respectfully requests:

1. A third-party traffic study to be completed for the community with focus being placed on start and end of school day traffic (8:00 a.m.-9:00 a.m.) and (2:45 p.m.-3:45 p.m.). Our school serves over 170 students and there are already challenges with traffic back ups and safety during these heavy traffic times.

The Waldorf School of Northeast Ohio

1791 S. Jacoby Road Copley, Ohio 44321

P: 330-666-0574 www.SGWS.org F: 330-666-9210

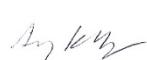
2. A third-party environmental study be completed for the community as we have concerns about the zoning variance being requested and impact on the local environment.

Should the PrideOne Development move forward:

3. A widening of the road and/or other mitigations deemed appropriate to support safety especially in the school zone such as stop signs, traffic lights, turning lanes, etc.
4. A privacy fence to be built to provide privacy and security at the cost of the landowner/PrideOne Construction. A plan for maintenance of the fence must also be in place at the cost of the landowner/PrideOne Construction. This fence would run the length of the property line between Spring Garden Waldorf School and the land being developed. This includes the south and east sides of Spring Garden Waldorf School property; We also request to maintain a 10-foot buffer of trees between our property and the privacy fence.
5. A playground be included in the construction plans to encourage children to play in the development and not on school grounds.
6. Any drainage challenges at Spring Garden Waldorf School due to or directly following the new construction will be mitigated by the landowners and/or PrideOne Construction.
7. Any impact to our utilities including, but not limited to, well, septic, electric, internet, phone due to the new construction will be mitigated at the cost of the landowner or PrideOne Construction.
8. Consideration for timing of construction, noise level, air pollution, etc. Our school does not have air conditioning and we teach with open windows through much of the school year. We are concerned we may be challenged by the noise and air pollution as well as incur increased cleaning costs. We request that construction would occur outside of school hours and/or during the off season (June-late August). We would also request that increased cleaning costs be covered by PrideOne Construction or the landowner.
9. PrideOne Construction and/or landowners take responsibility for and pay any unforeseen costs or increase in costs incurred by Spring Garden Waldorf School due to the new construction.

Thank you in advance for your consideration. We will be in attendance of the July 5th and July 13th meetings. Please feel welcome to contact Amy Hecky, Director of Administration with any questions.

Sincerely,



Amy Hecky
Director of Administration



Bridget Ambrisco
President of the Board (effective July 1, 2022)

CC: file; Ben Weinerman, PrideOne Construction; Mark Wassick, Copley Community Organizer

ARCHITECTURAL REVIEW BOARD JULY 5 at 6pm

PROPOSED REZONING ON JACOBY RD.

To: Copley Township Trustees and Members of the Architectural Review Board

We wish to make clear that there is no objection to the CURRENT zoning. Residential medium density (Rmd) which could result in approximately 30 single family homes as is or more if central Water and Sewer are provided.

WE also wish to be clear that we strongly support the position(s) of Spring Garden Waldorf School (SGWS) in the areas of TRAFFIC, SAFETY AND SECURITY.

Address to the Copley Township Architectural Review Board (ARB).

This Proposal now before you has been in the hands of The Township Zoning Staff for well over a year! By happen-stance a neighbor after observing surveying and other activities on Jacoby Rd. made inquiries at the Zoning Department and was given a copy of (a) preliminary Staff Report dated 11/1/21.

This was approximately three weeks ago. After reviewing that 11/1/21 document a small group of neighbors began to try to learn more. When asked why neighbors had not been notified a staff member replied "because we did not have to"! This staff member clarified saying the requirement to inform neighbors was not yet reached (Variance Requests). This notice requirement condition was reached eventually. A letter dated 6/15/22 was sent to "LANDOWNERS". JUST THE LANDOWNERS ABBUTTING THE SUBJECT SITE! This was a thirty-day notice PRIOR to the scheduled July 13 meeting of the BZA. No mention was made at that time of this meeting today JULY 5, 2022 and its significance and importance.

Our residents and neighbors then made requests orally and in writing for copies of all subject related materials to be provided in a timely manner. The STAFF agreed after sharing their concerns that such accommodations may be viewed as "FAVORITISM". The response given was how could it be considered favoritism to respond to a request for public documents. There are still many questions to be asked and responses to be provided. We are prepared to review the STAFF

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REPORT in detail and make formal data requests and/or comments and observations. Had we had a timely notice of this proposal we would have endeavored to provide this Board tonight with as complete and comprehensive submission as the Applicant has over the past year plus. We now request time to ask our questions and provide our comments.

Should time not be allowed, we would question the appropriateness of moving forward. How can the Final Development Plan now being requested for Approval be moved forward while SO MANY UNANSWERED QUESTIONS, INCOMPLETE REPORTS and SO MANY OPEN DECISIONS have yet to be made?

In addition to a request for TIME, we would request a second on-site inspection of the "SITE" by the ARB. Among our group are persons who are very familiar with the property and can point out and identify areas which call for more in-depth review and further consideration.

It is our understanding that the Zoning Staff has already endorsed this plan and rezoning. We request the opportunity to allow an independent group to review the criteria required in order to consider the rezoning itself.

Please allow us our TIME before you move forward. I request that I be recognized to address the Board. We wish to thank the Zoning Staff and Mrs. Marshall for making a presentation to our group on June 14, 2022.



MARK WASICK and neighbors

1888 Jacoby Road, Copley, Ohio 44321

Tuesday, July 5, 2022

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Paul Robinson
3063 Cliffside Dr.
Copley, OH 44321
Probins7@yahoo.com
330-413-9683

Copley Township Board of Trustees
Shawna Gfroerer, Zoning Inspector, MPA
Loudan Klein, Director of Community & Economic Development
Copley Architectural Review Board
Copley Township Zoning Commission
1540 S. Cleveland Massillon Rd.
Copley, OH 44321

July 12, 2022

Sent via Email

RE: Jacoby Co Property Development Proposal

Dear Copley Township Officials,

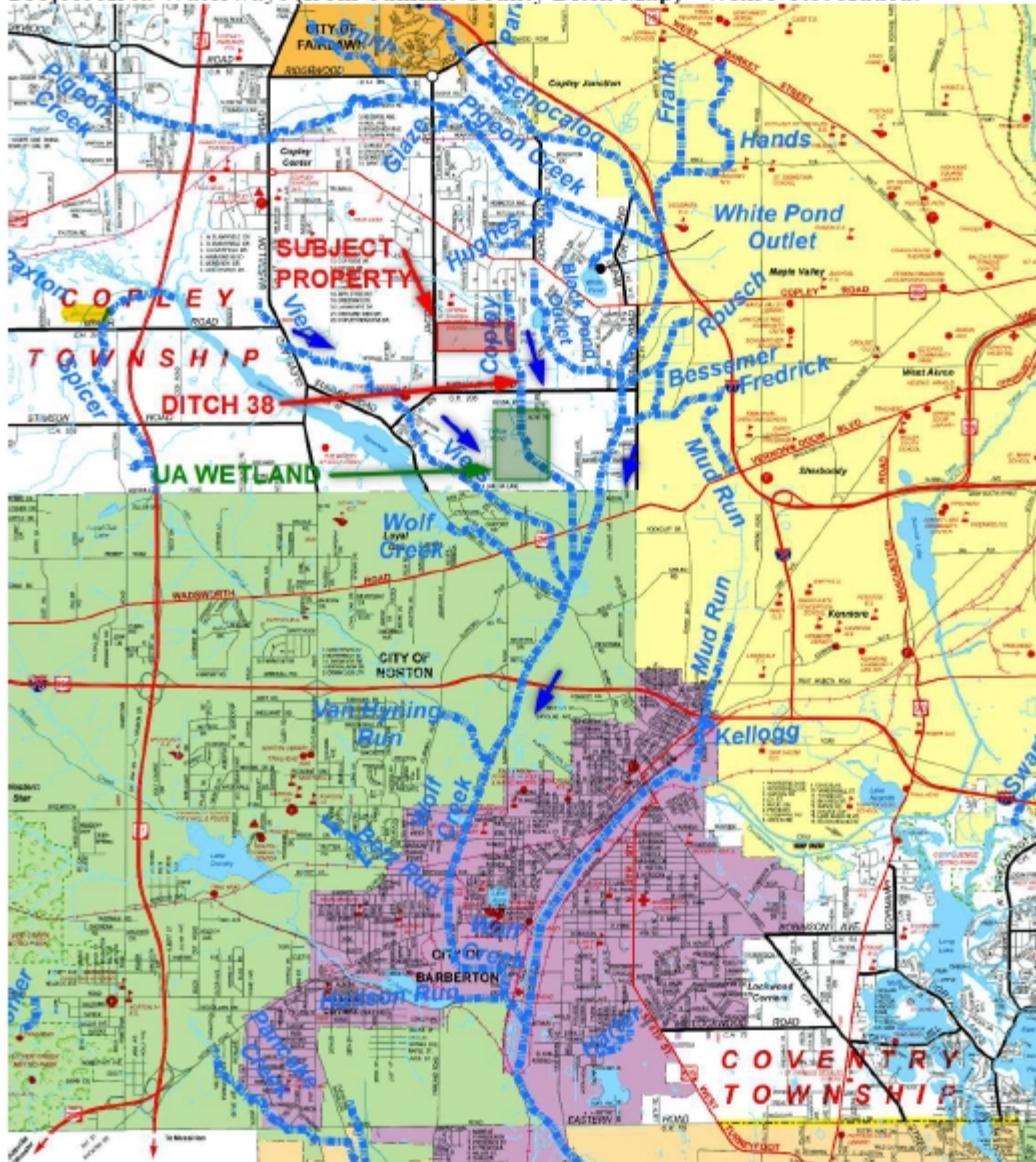
I am writing this letter to effectively communicate my concerns and opposition regarding the proposed development project on Jacoby Road Parcels 1501734, 1501735, and 1503826 (project). There are many large, legitimate, open issues with this project, of which were derived from a basis in observable facts. In this letter I will outline just a few of them.

For many Copley Township residents (residents), the Copley Land Use Plan (LUP) supports ideas, concepts, and best practices in preserving Copley's heritage of open space, farmland, forest lots, with language permeated throughout pertaining to preserving the rural character of the township. The LUP also acknowledges that high-density housing is a net consumer of resources. Many Copley residents look to this document to guide Copley Township Officials on zoning rules, resolutions, and associated decisions – as it was originally intended to do. In the 2009 version of the LUP, the subject property was within the Conservation area. The implication taken away from that for me, and many others was, Copley is supporting true conservation of a significant portion of the township. In the 2011-2012 timeframe, a new zoning resolution was adopted, and included zoning overlays including R – CD. These zoning overlays, allowing for high-density development, are in direct contradiction to the original intent of the LUP. This is creating confusion and is contrary to the original intent of the LUP and residents' desires.

There are many open concerns with this project regarding storm drainage and hydrology. Storm runoff for the subject to ditch 38 and through The University of Akron's (UA) Class 3 research wetland, and on to Wolf Creek and the Tuscarawas River. The watershed around ditch 38 is already fraught with drainage issues and flooding, and to my understanding is currently on Summit County's list of storm drainage systems to be studied for existing issues. There are many unanswered questions regarding the increase in sheer volume of increased runoff that would result from this project. There are also

unanswered questions of feasibility to effectively protect water quality, resources, streams, wetlands that are not only on the subject property, but also the impacts to downstream waters and wetlands during construction and post construction. Storm water quality degradation and long-term maintenance of private storm systems are big open issues in this highly sensitive watershed.

Project Area Waterways (from Summit County Ditch Map) - With Notes Added:



Allowing high-density development on economically buildable portion the subject property will result in higher flow rates from more impervious surfaces and less vegetative cover. High-density development will also increase concentrations of contaminants than would otherwise be allowed by R-MD zoning. Impervious surfaces accumulate pollutants deposited from the atmosphere, leaked from vehicles, or windblown in from adjacent areas. During storm events, these pollutants quickly wash off, and are rapidly delivered to downstream waters. Downstream storm water quality will likely be detrimentally impacted during construction and post construction by a number of contaminants. I haven't seen anything yet regarding watershed analysis that even acknowledges the UA Research Wetland less than a mile downstream, let alone any research on impacts.

The developer for this project has requested to modify development and site planning, including Civil plans for storm runoff, until after zoning change has been granted. I urge that this request is denied, as this area is highly sensitive both from storm runoff hydraulic capacity and water quality perspective. Civil plans to manage storm water and quality will need to be highly engineered to protect both, and shouldn't be set aside until the last minute after every other approval is met.

The R – CD Overlay, under section 3.06 (R – CD) in the Copley Zoning Resolution contradicts the original intent of the Land Use Plan. The R – CD overlay seems like a loophole, and is very friendly towards developers without much favor towards Copley Residents. Words, like conservation for example, have even been redefined. When read between the lines with R – MD as a baseline, R - CD can be summarized as follows:

- Maximizes development of property that has minimal building potential, with little regard to current zoning classification of a subject property.
- Establishes simple process for rezoning land to essentially Residential – High-Density, within ANY residential zoning area in Copley Township
- Eases construction standards, lowering costs to developer
- Developer given credit equivalent to, or potentially more dense development (on buildable area of parcel) than Residential – High-Density for lands that can't be touched or built on in the first place (without significantly higher construction costs and longer more costly permit & agency review processes, etc.).
- Developer can maximize economies of scale and increase direct profit, making the project more financially attractive.

Impacting 60% of an ecosystem as laid out in R – CD that is interdependent on the whole, is destructive and detrimental to the remaining 40% that would be 'preserved'. All organisms in an ecosystem depend upon each other in a harmonious balance. The population of one organism increasing or decreasing can detrimentally effect on the rest of the ecosystem. This happens during development, and is somewhat normal. However, labeling this overlay with the word Conservation is a misrepresentation. At a minimum it should be named more in line with what it is, high-density rezoning. R – CD overlay essentially allows every piece of developable land left in Copley to be built upon with lax standard high-density criteria. Many residents live here for specific reasons, including the rural character with various farms and open space, low traffic, and do not want to see it become an overcrowded metropolis or sea of houses and concrete. I request that R – CD, and other high-density zoning overlays be repealed from the Copley Zoning Resolution.

There is a significant number of Copley Township residents (residents) that are opposed to this project. The residents understand clearly now what the details are of the project, and how the R – CD zoning overlay is designed to work. The issue is not lack of resident understanding, it is with the project and overlay zoning resolution itself. This proposal is by all means, high-density development in a medium density zoned area of the township. I want to clarify that I am not opposed to a development project on the subject property that would fall under the existing R-MD zoning regulation, that also met all other current R – MD zoning and environmental regulations with no need of variances. I also want to state that while I can't speak for others, I have observed that the vast majority of residents that I have spoken to on this project do not object to development of the subject property under current R – MD zoning regulations either. Furthermore, I haven't spoken to a single Copley resident that is in favor of this project, or the zoning overlay concept, including 3.06 R – CD as applied for this project. There has been great turn out of residents at the Township meetings/hearings. We filled the fire bays at the July 5th Architectural Review Board Meeting. There is also a notion amongst Copley Staff that the only residents who are in opposition are the residents that have attended the meetings, 100-150 or so. This is simply not an accurate assumption, as most people live busy lives. I have spoken to many people that wanted to attend certain meetings but can't because of other obligations, were out of town, or other reasons. Other residents have entrusted that Copley Staff, and the Trustees have their intentions in mind while making decisions, however they oppose this project, as well as 3.06 R – CD zoning overlay.

I have made various requests to Staff, and had a phone call meeting with Staff. Responses have been concise, timely, and informative. I appreciate that. However, communications and notifications overall for this project could have been better, especially early on. While township officials did make communications per the Ohio Revised Code (ORC), these communications were not effective in informing the community and residents, especially those that live in the surrounding area, that this project was initiated, and in progress. Local residents to the project were the ones that made effective communications to other Copley Township residents on or around June 11th, 2022. Prior to residents' communications, the vast majority of residents simply did not know about this proposed project. Regardless of ORC minimum notification requirements that were met, the same notifications for a simple sign installation shouldn't be applicable for large development projects of significant magnitude, scale, and general community impact.

This project brings very little, if any, benefits to the residents of Copley. It will also permanently change the character of Copley Township, as acknowledged in Staff Reports. It is full of large risks to our watershed, ecosystems, and many waterways and wetlands downstream including the Class 3 UA Research Wetland. I urge that the variances, and rezoning request are denied by the township.

I was born here. I grew up here. I went to school here. I purchased a house here, and I started a family here, in Copley with the understanding and appreciation for the rural character of the township. Near the time I purchased a house in Copley, myself and other residents were led to believe in the Land Use Plan, that boasted keeping Copley Rural (2009 version) was a priority. Township Officials at that time, supported that mission. This project, and the many that will follow if it's successful will permanently change Copley's rural heritage, and defy all of the foundations I was informed would remain in perpetuity. Now having a family with three little ones, dealing with these changes is a significant upset to not only myself, but my entire family. If the township is fully developed and the rural character replaced with rooftops and concrete, my desire in being a Copley Township resident will be no longer. If that's not a hardship, I don't know what is. I am a hardworking, tax paying resident who

takes care of his property, values family and the outdoors. I would think that Copley would want to retain residents like myself, and I hope that proves to be the case.

I urge the township officials to deny the R – CD rezoning, and the variances that have been requested.

Thank you for your attention to this matter.

Sincerely,

Paul Robinson

TO: Copley Township Board of Trustees, Architectural Review Board and Board of Zoning Appeals

Standing back and observing the current events revolving around the proposed rezoning of the Labriola property on Jacoby Rd. brings to mind a contortionist at the County Fair.

The subject property has issues, both natural and man-made. This property has been abused and mis-used over many years.

There have been comments that to contest this REZONING is somehow depriving the owners of their rights to develop their property. This property has been in its present condition for many, many years. The value of the property is a direct result of both the natural and man-made actions taken by the residents of that property. It is what it is and valued accordingly under its current zoning of Residential Medium Density (Rmd).

What we are witnessing are efforts to take a 'SOW'S EAR AND TURN IT INTO A SILK PURSE'.

1. Because of natural features such as streams, wetlands and being partially in a flood plain. These areas are already subject to development limitations.
2. Significant portions of the property have been used for unpermitted mining operations and conversely as an unpermitted construction and demolition C&D Landfill. Much of the "filling" has been directly into and on top of the existing wetlands.
3. There is now an attempt to rezone this land by considering its placement in a special zoning category of RESIDENTIAL CONSERVATION DEVELOP (Rcd). See Zoning RESOLUTION Article 3 Section 3.06. Please review the 10 factors to be considered for inclusion in this CONSERVATION DISTRICT. We challenge any and all Boards and advisory agencies to arrange an on- site inspection reviewing and considering the application of these guidelines to the actual property. It is our opinion and position that this property DOES NOT meet the criteria supporting the rezoning request.

According to the STAFF COMMENTS found on page 15 of their recent Report- This project meets the spirit and intent of the purpose of the Residential Conservation Overlay(sp).

4. Once the project is moved forward as qualifying for the “OVERLAY”, then the contortions continue with requests for variances to those same features the “OVERLAY” purports to conserve.
5. The only conservation we see taking place is the artful use of exceptions to conserve the developments construction costs. Getting the most for the least.
6. Now comes the next attempt to reduce the developers’ costs and responsibilities. If they can gain approval of maximizing the number of rental units on the limited buildable space what can be done to shed responsibility for the remaining rough, unbuildable areas? Simple, just give it away to somebody else.
7. The developer is increasing all water related issues downstream.
8. As we speak, Summit County Council is passing legislation assessing landowners for the costs of mitigating water runoff and has set up 15 target mitigation areas. Is the subject locale one of these? This should be checked out BEFORE moving forward with any variances which will further exacerbate the myriad of water related issues with this property.
9. This may truly be the most complicated game of “TWISTER” any of us have ever seen.

Mark Wasick
1888 Jacoby Rd

Carl Talsma
2116 Mayes Place
Copley, OH 44321

Copley Board of Trustees, Board of Zoning Appeals, and Architectural Review Board
1540 S. Cleveland Massillon Road
Copley, OH 44321

Re: Open Letter of Concern over Pride One Jacoby Road Construction (Parcels 1501734, 1501735, 1503826)

Dear Board Members:

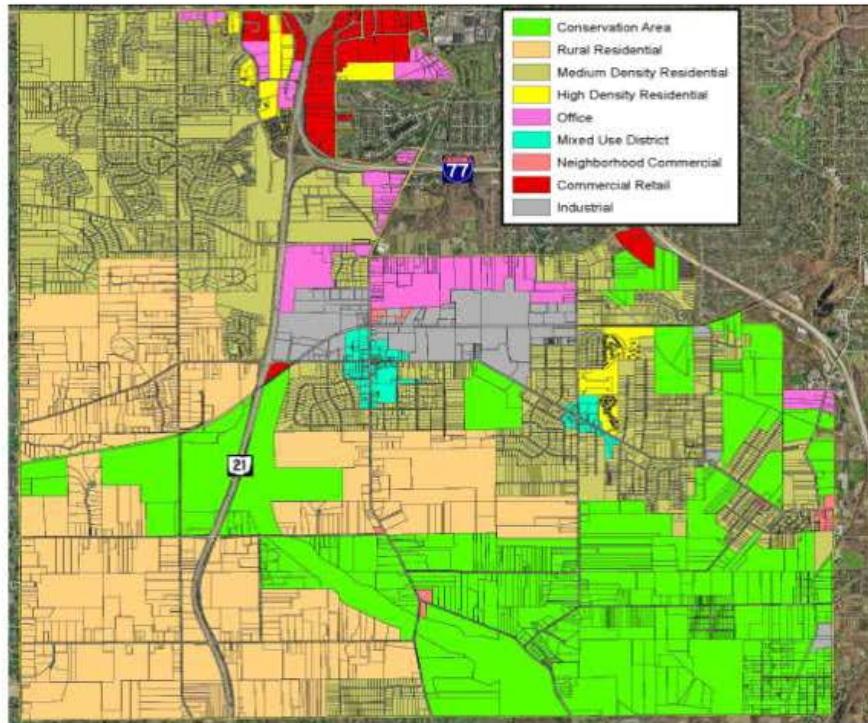
This letter is submitted in opposition to the proposed rezoning of two lots on Jacoby Road from Residential Medium Density to Residential Conservation and the associated proposed development from Pride One. The Pride One development not only requires rezoning to Residential Conservation, the development would require additional variances regarding development on wetlands and floodplains. Although the township does have authority to make such a rezoning and approve such variances, the township should not. Of the many reasons to oppose this development, this letter will focus on three: approval of the development would not accomplish the purpose of the RCD rezoning, the development would have a detrimental effect on the current character of the neighborhood, and the development is in direct conflict with the future land use plan included in the Copley Township Land Use Plan 2020-2025.

The RCD rezoning was created to, per article 3, paragraph 3.06, "maximize the conservation of open space while accepting development...that are permitted under the existing conventional zoning for the property." In essence, this course of action is intended to allow more compact construction to generate a similar average density of residences while preserving land as undeveloped that would otherwise be built upon with traditional development. Obviously, traditional development would still need approval of the boards to subdivide parcels 1501734 and 1501735. Therefore, the development of this property is not an either / or situation. In fact, the staff report on the variance review criteria specifically noted that the property can yield a reasonable return without requested rezoning and variance – "The property can be utilized for the construction of one single family dwelling unit as permitted". Regardless, the two parcels in question cover 62.93 acres, of which 19.27 acres are wetlands, and with 2905 linear feet of streams. When considering the riparian setback from affected streams, there is clearly over 21 acres of land which could not be built on under current regulations, and which represents the vast majority of the land the developer would set aside as undeveloped. However, if this land were rezoned RCD, the developer can still claim benefit of residence density from that land that could not be developed anyway. This undevelopable acreage alone allows for an additional approximate 50 residences to be built (of the proposed 133) based on the guidelines of the RCD. In essence, Copley gains little in terms of preserved green space at the cost of much – 133 high density housing constructions.

Part of the high cost of this proposed development is the adverse effect such a development would have on the nature and character of the neighborhood. This Jacoby neighborhood is characterized by single family dwellings on larger plots of land and family farms with both agriculture and livestock. There are third generation families farming the same land and brand new generations locating here for a rural lifestyle in which to raise a family. The staff report recognizes that this development would "change the character of the neighborhood architecturally" by creating a subdivision of attached dwellings, where the current neighborhoods are comprised of "detached single family dwellings." However, this assessment only scratches the surface of the impact. The staff report cites Copley Meadows as comparable for density of development. Copley Meadows is a development that would not be allowed under current or future zoning considerations, so such a density should not be used to justify acceptability of new constructions. Moreover, Copley Meadows is not a Jacoby Road development, Copley Meadows is a Copley Road development. That is, Copley Meadows ingress and egress is exclusively on Copley Road. The Pride One development would have (except for emergencies) exclusive ingress and egress on Jacoby Road. Therefore, the neighborhood that should be considered is that of Jacoby Road. In that area, the area whose character would be most impacted, there is no development density remotely close to what has been proposed. A school lies to the north, agriculture and single residences on large lots to the west, and open land directly south. High density housing construction would be wholly out of place and permanently, detrimentally, change the nature of the neighborhood. However, were this development to go through, then precedent would be set, and any future such developments would be harder to justify denying.

The Board of Trustees has recognized the importance of the character of this neighborhood. This portion of Copley is not just characterized by rural development and open spaces currently, the future land use plan for this area shows an expansion of the current Open Space Conservation districts to include the very parcels in question (Images attached).

Future Land Use Map



The Future Land Use Map clearly shows these parcels are anticipated to be Conservation Area, or what would be considered Residential Open Space / Conservation under current definitions. Now, RCD can still be used for R-OC districts. However, R-OC districts, per article 3 paragraph 3.05.D.1 require a minimum lot size of 5 acres. If converted to RCD, then, per article 3 paragraph 3.06.E.2, the maximum

density shall be 20% greater than that allowed in the underlying district, and, per 3.06.E2.a.ii, the areas of floodway and wetlands shall be deducted from the total project area. For the parcels in question, that would be a deduction of approximately 21 acres from the 62.93 acres. That would leave 41.93 acres. Divided by 5, which is the permitted density for R-OC districts, results in 8.386, and then increased by 20% as allowed 3.06.E.2, yields 10.0632. 10 units would be the intended allowable development of this property as RCD based on the anticipated Future Land Use Map published by the trustees. Clearly, a 10 unit development is markedly different to a 133 unit development.

As mentioned previously, many reasons exist to oppose this proposed Pride One Jacoby Road development. This letter focused on three. Under current zoning, Copley gains little because most of the land that would be set aside cannot be built upon anyway. The character of the neighborhood as a rural and open space portion of Copley would suffer. The future use plans for this area of Copley would be thwarted, and never be able to be reclaimed. In essence, the developer seeks to abuse the current RCD rules to build high density housing claiming density credit for undevelopable land, and to push this through before the future land use plan approved by the trustees can be executed. Moreover, they have admitted they cannot even do so without additional variances to allow damage to some of those wetlands and to build on floodplains. The neighborhood supports the Future Land Use Map, and would not oppose a 10 unit development that the future zoning would allow. However, the neighborhood does not want to lose its nature and character through the abuse of the RCD process and the construction of 133 high density housing units. We ask you to oppose this rezoning to RCD under the current zoning map, and to oppose the variances requested by Pride One.

Thank you for your consideration.

Carl Talsma

Co-signed by the following Copley residents:

Tara Talsma 2116 Mayes Place	Nancy Baumgardner 1532 S. Planview
Cassidy Talsma 2116 Mayes Place	Marguerite Ritter 1825 Jacoby Rd
Jeremiah Talsma 2116 Mayes Place	Laura Sheppard 1971 Jacoby Rd
Theresa Barton 2310 Wright Rd	John Sheppard 1971 Jacoby Rd
Bradley Barton 2310 Wright Rd	Casey Pittman 3342 Boyne Rd
Broderick Barton 2310 Wright Rd	Lindsey Bondlow 2183 Jacoby Rd
Paul Robinson 3063 Cliffside Dr	Scott Galloway 2772 Copley Rd
Deborah Sturm 3620 Minor Rd	Krista Galloway 2772 Copley Rd
Tiffany McCaffrey 1668 Jacoy Rd	Brian Plummer 1164 Shocalog
Edward McCaffrey 1668 Jacoy Rd	Laurel Plummer 1164 Schocalog
Travis Harmon 1683 S. Cleveland-Massillon Rd	Brad Mularcik 2576 S. Hametown Rd
Candace Harmon 1683 S. Cleveland-Massillon Rd	Paula Mularcik 2576 S. Hametown Rd
Mark Wasick 1888 Jacoby Rd	Beth Kasper 1536 Greening Dr.
Suzanne Wasick 1888 Jacoby Rd	Art Hurd 2531 Lawnshire Dr.
Beth Crow 3088 Kendall Rd	Carol Hurd 2531 Lawnshire Dr.
Gene Baumgardner 1532 S. Planview	Carol Bessemer 1650 Collier Dr.

Don Bessemer 1650 Collier Dr.
Jessica Huth 2613 Action Dr.
Eric Heinbuch Lawnshire Dr.
Margaret Heinbuch 1530 Greening Dr.
Cheryl Jaworski 2416 Titan Dr.
Scott Jaworski 2416 Titan Dr.
Jackie Sanders 2416 Titan Dr.
Michael Kaiser 2610 Wealthy Dr.
Alexa Kaiser 2610 Wealthy Dr.
Amy Nagy 2568 Lawnshire Dr.
Michael Nagy 2568 Lawnshire Dr.
Lori Das 2465 Henetta
Andrew Das2465 Henetta
Jim Bonner 2417 Summit Rd
Judy Bonner 2417 Summit Rd
Greg Stefanko 2425 Wright Rd
Carl Shumway 1523 Crusade Dr
Jody Shumway 1523 Crusade Dr
Eric Heinbuck Lawnshire Dr.
Barbara J Patterson Lawnshire Dr.
Jason Sparrow Lawnshire Dr.
Kelly Sparrow Lawnshire Dr.
Mark Troxell Sunnyacres Dr.
Julie Morig Troxell Sunnyacres Dr.
Debbie Stinson 1971 Jacoby Rd.
Sara Odaniel 1357 Earhart
Jason Odaniel 1357 Earhart
Parker Stinson 1357 Earhart
Greg Dunlap 5223 Fairington Ave
Jamie Dunlap 5223 Fairington Ave
Jennifer Jacobs Jacoby Rd
Mary Surowski Jacoby Rd
Leonard Shetler 1631 Jacoby Rd
Sandra Shetler 1631 Jacoby Rd
Jody Nichols 2556 Jay Dr
John Nichols 2556 Jay Dr
Dan D'Amico 1943 Jacoby Rd
Poppy D'Amico 1943 Jacoby Rd
Alina D'Amico 1943 Jacoby Rd
Ethan D'Amico 1943 Jacoby Rd
Jack Moore 2589 S. Hametown
Carol Moore 2589 S. Hametown
Beth Kasper 1556 Greening
Margaret Heinbuch 1530 Greening

Danae Labocki Twin Creeks Dr
David Labocki Twin Creeks Dr
Maria Schneider 1401 Orchard Dr
George (JR) Oschman Summit Rd
Kelly Oschman Summit Rd
Michael Blinkhorn 2518 Bennett Ave
Leslie Blinkhorn 2518 Bennett Ave
Marie Paul 1643 Jacoby Rd
George Hunt Jacoby Rd
Raina Fink Jacoby Rd
Bill Sweeney Jacoby Rd
Brian Smith Jacoby Rd
Mary Beth Grace Jacoby Rd
Marian Bickley Jacoby Rd
Dick Swaino Elisabeth Dr
Patsy Swaino Elisabeth Dr
Rodney Morris Jacoby Rd
Jack Hunt Kenneth Dr.
Amy Hecky, Director of Administration on behalf of
Spring Garden Waldorf School 1791
Jacoby Rd
Lori Hinds Kendall Road
Jeff Hinds Kendall Road
Joe Shoultz 2905 Kendall Road
Sue Lazano 2957 Kendall Road
Lerryn Campbell 4590 Briarcliff Trail
Grace Ebner 2073 Mayes Place
Jen Rieger 790 Wallwood Drive
Jane Scott 462 Kings Court

Kay Shepherd
Josh Wood
Shiloh Wood

Janice Marshall, Director of Administration
Copley Township Board of Trustees
Shawna Gfroerer, Planning and Zoning Inspector
Copley Township Architectural Review Board
Copley Township Zoning Commission
Loudan Klein, Director of Community and Economic Development
1540 S. Cleveland Massillon Rd.
Copley, OH 44321

Rec'd
7/12/22

July 12, 2022

Dear Copley Township Leaders

As you know there are a majority of Copley residents that are extremely opposed to the proposed Jacoby Rd development by PrideOne Construction.

Please allow me to reiterate the main purpose of the zoning, as stated on Copley's website,

- Promote orderly and harmonious development of the Township in accordance with Copley Township's Land Use Plan.

There are many points from the Land Use Plan that are in direct conflict with the development of this Jacoby Rd area.

We realize that growth and change has to happen, as it is inevitable, but please, not here, not on this wetland area.

This land as you well know is a working wetland that has buffered the excess storm water that runs down into the Class 3 Wetland on Collier Rd, which is now part of the University of Akron for wetland research purposes.

I live way upstream of this development and will not be affected by it, however, I am very concerned about the people who live downstream from this, as they have had flooding from several of our last serious storms. This project, if allowed, will exacerbate the flooding downstream.

Please do not add additional hardship to these people who have been in Copley and supported Copley for so long.

We all know that the Copley Land Use Plan explains how detrimental new construction can be to our greenest areas. It is all explained in our own plans.

We ask that you do the right thing in stopping this for Copley residents, and please put yourself in their shoes.

I can go into detail, page by page as to why this goes COMPLETELY against Copley Land Use Plan, but I know that you already know that, as that is your job, so I personally will not call your attention to the various reasons in this plan that would be a total rejection of our ideas of a wonderful land use plan.

Once again, we ask that you do what is right for Copley residents, and do not allow the rezoning of this area. It is not in Copley's best interest.

Thank you in advance for your consideration and service

Barb Robinson
Copley resident 45+ years

Carl Talsma
2116 Mayes Place
Copley, OH 44321

Copley Board of Trustees, Board of Zoning Appeals, and Architectural Review Board
1540 S. Cleveland Massillon Road
Copley, OH 44321

Re: Additional Cosigners for Open Letter of Concern over Pride One Jacoby Road Construction (Parcels 1501734, 1501735, 1503826)

Dear Board Members:

The Copley residents below have requested their names be added to the letter submitted on July 12, 2002.

Thank you,

Carl Talsma

Diane Kuczowski 2586 Wright Rd
Aaron Kuczowski 2586 Wright Rd
Christopher Kuczowski 2586 Wright Rd
Carol Dempstter 2586 Wright Rd
Gregory Hamilton Sunnyacres
Terry J Hamilton Sunnyacres
Adam Ritter 3353 Stimson Rd
Aimee Ritter 3353 Stimson Rd
Amy Allbaugh Jacoby Rd
Jacob Allabaugh Jacoby Rd
Adam Ritter 3353 Stimson Rd
Aimee Ritter 3353 Stimson Rd
Bryan Cerra 2578 Wright Rd
Connie Garver 2578 Wright Rd
Tracy Brown 2461 Summit Rd
Alexa Kaiser 2610 Wealthy Rd
Michael Kaiser 2610 Wealthy Rd
Rob Greene 2568 Wright Rd
Jack Moore 2589 S. Hametown Rd
Karen Moore 2589 S. Hametown Rd



July 27th, 2022

Copley Township Zoning Officials
1540 S. Cleveland-Massillon Road
Copley, Ohio 44321

RE: Zoning and Development Opportunities in Copley Township

To Whom it May Concern,

As representatives of the development and home-building industry in Northeastern Ohio, Drees Homes would like to address some of the key challenges we as an industry face when seeking opportunities to develop new homes in your community.

Copley is a wonderful community with great schools, parks, and amenities for its residents to enjoy. As such, yours is an attractive market for home builders such as ourselves to introduce new homes and residents to. The existing zoning ordinances as written however present some hurdles that have proven too steep for the industry to overcome. We would like to address specifically the R – MD (Medium Density) Residential District.

The stipulations present are out of touch with other jurisdictions in the region. To demonstrate, please see the below chart showing nearby communities' Medium Density zoning regulations.

Municipality	Lot size (sq. ft.)	Lot Width	Front Setback
Copley	21,780	100'	60'
Medina	9,000	50'	40'
Wadsworth	10,500	75'	50'
Brunswick Hills TWP	15,000	90'	50'

A specific example of how Copley's zoning is inhibitive can be found at the site located between Jacoby Road and Sunnyacres Road. Due to the presence of wetlands and the topography of the site, it is not economically feasible for the Developer to develop the site while at the same time preserve the site's unique and beneficial natural elements. Other communities have adopted regulations that allow for the clustering of units in developable areas. This permits the economic efficiency necessary to develop the site, while simultaneously providing for the preservation of the site's unique natural characteristics.

Not only does the current zoning prohibit land owners from utilizing their property in an economically viable manner, but ultimately, it prevents new residents from moving to Copley Township, precluding the added taxes and sales revenue the township would benefit from if those residents were able to locate there.

We as an industry therefore encourage you to consider adding a cluster provision to your R – MD (Medium Density) zoning code so that the parcel indicated above in this letter and others like it may be used in an economically viable manner!

Sincerely,


Thom Sutcliffe, Land Acquisition Manager – Drees Homes

6860 W. Snowville Road, Suite 105, Brecksville Ohio 44141 – (o) 440.717.9670 - www.dreeshomes.com
5618499.1



Civil & Environmental Consultants, Inc.

August 1, 2022

Mr. Ben Weinerman
Pride One Construction
2211 Medina Road, Suite 100
Medina, OH 44256

Dear Ben:

Subject: Wetland Impacts Assessment Letter
Jacoby Road Property
Copley Township, Summit County, Ohio
CEC Project 310-902

CEC understands that Pride One Construction (Pride One) is proposing to construct a residential development on the Site that will require impacts to federally jurisdictional streams and wetlands. The information presented below summarizes the project delineation background, permitting process and proposed impacts as compared to other development projects requiring routine stream and wetland permits from the U.S. Army Corps of Engineers (USACE).

1.0 DELINEATION BACKGROUND

Prior to requesting permit authorization for proposed impacts to regulated surface waters, a Jurisdictional Determination (JD) must be provided by the USACE verifying the extent and jurisdictional status of on-site surface waters. As part of the Preliminary Jurisdictional Waters Determination (PJWD) process, CEC biologists traversed the Site by foot to identify and delineate wetlands, streams, and other water features within the Site. The wetland delineation was based on CEC's professional judgment and interpretation of the routine determination methodology and technical criteria. Following completion of the fieldwork, a PJWD report was prepared and submitted to the USACE for verification.

On September 20, 2020, CEC received a jurisdictional determination (JD) from the USACE, verifying the extent of identified on-site surface waters and the jurisdictional status of identified on-site surface waters as waters of the United States (WOTUS). The USACE stated in their letter that this JD may be used for the purposes of the determination of impacts, compensatory mitigation, and other resource protection measures for activities.

Mr. Ben Weineman – Pride One Construction
CEC Project 310-902
Page 2
August 1, 2022

2.0 PERMITTING PROCESS

The USACE regulates impacts to WOTUS in the state of Ohio that are within the thresholds of Clean Water Act Section 404/401 Nationwide Permit (NWP) #29 (Residential Development). The NWP operates under a memorandum of agreement between the USACE and the Ohio EPA for project general permits that meet the criteria determined to pose minimal adverse effects to the chemical, biological and physical integrity of downstream waters.

If CWA authorization is required for a proposed project, consultation with the U.S. Fish and Wildlife Service relative to potential affects to the threatened and endangered species is required pursuant to Section 7 of the Endangered Species Act. Furthermore, consultation with the State Historic Preservation Office may also be required. Additionally, a demonstration of resource avoidance and minimization relative to project design must be provided. Finally, compensatory mitigation must be provided for wetland impacts greater than 0.1 acre and stream impacts greater than 0.03 acre. It is the responsibility of any party that intends to discharge dredge or fill material into jurisdictional WOTUS to comply with all applicable regulations.

3.0 WETLAND IMPACTS

Based on our observations in the field and professional judgement with similar projects, CEC believes the quality of resources on Site and the extent of proposed impacts to WOTUS as part of the proposed project are consistent with other routine NWP #29 applications in the State of Ohio. CEC expects that the project will receive a NWP for proposed wetland and stream impacts since the project meets CWA NWP criteria as currently proposed.

4.0 CLOSING

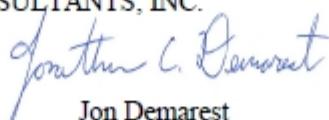
We appreciate the opportunity to assist you with this project. Please contact Mr. Nick D'Eramo at 614-634-0190 if you have any questions.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.



Nick D'Eramo
Project Manager



Jon Demarest
Project Manager

Rebuttal from Concerned Residents of Copley Township to Variance Application

Variance Application Dated 6/8/2022

Rebuttals Submitted 8/9/2022

Applicant / Landowner		Landowner:	
Applicant Name:	Ben Weinerman	Landowner:	Jerry Labriola & Irene Messina
Address:	2211 Medina Road, Suite 100	Address:	8202 Drybank Drive
City, State, Zip:	Medina, Ohio 44256	City, State, Zip:	Huntington Beach, California
Phone:	3302413808	Phone:	92646
Email:	bweinerman@prideone.cc	Email:	
Project		Parcel:	
Site Address:	Jacoby Road	Parcel:	1501734, 1501735, 1503826
City, State, Zip:	Copley, Ohio 44321	Zoning:	R-MD
Subdivision:	n/a	Code Section:	Article 15 Riparian Setback Standards

1. Please Explain the Practical Difficulties or Unnecessary Hardship that Justifies this Application:
This property is unique in the fact that it encompasses many environmental features including multiple streams, wetlands, and a 100-yr flood plain. In addition, approximately 40%+ of the 63 total acres is covered by those environmental features previously mentioned. We have laid out the project to avoid these environmental features to the best of our ability, but require minimal variances to wetland and riparian setbacks to provide a secondary means of ingress/egress for Emergency and Safety Services and properly grade around buildings adjacent to wetland areas. While we have requested relief from wetland setbacks, it is of the utmost importance to Pride One Construction to preserve those wetland areas, where possible; only impacting the setback area while still protecting the physical wetland area.

Concerned Residents of Copley Township Rebuttal to Applicant answers to question #1:

Applicant has acknowledged that the parcels in question can be built under current R – MD zoning resolution. No hardship is present with acknowledgement that R – MD can be utilized. IF it was of the upmost importance to preserve wetland areas (as stated by applicant), then requesting to reduce or eliminate the protection to wetlands that setbacks provide would not be in this plan. Zero foot (0') or reduced setbacks contradicts conservation. It is possible to preserve each and every wetland, riparian, and natural resource on the subject property without damaging the natural resources with the requested variances. The burden of hardship for this variance lies on the wetlands, which will be permanently effected by the wetland setback. By encroaching on the wetlands to this degree not only is the quality of the wetlands effected dramatically but also their viability and sustainability as a filter and habitat. Under the ORAM form, surrounding land use and size of the buffer zone play a major role in wetland quality and viability. Both will be removed with the requested variances. Approval of these variances is the equivalent of putting these wetlands on life support.

2. How Would the Granting of a Variance(s) Affect the Immediate Neighborhood and Community In General?

Granting the requested wetland and riparian setback variances will only have positive impacts to the immediate neighborhood or community. Buildings will remain the same distance away from neighboring parcels, and will have proper vegetative screening so as to provide a buffer from neighboring parcels. Stream and floodplain crossings will be meticulously engineered by Davey Resource Group to minimize stream impacts and avoid raising the Floodplain elevation. Davey Resource Groups civil engineering will be submitted to Summit County Engineers for final review and approval. Additionally, those neighbors closest to the floodplain crossing are already encompassed within the 100-yr floodplain and thus will not be affected any permitted work that takes place within the flood plain as part of the proposed project.

Rebuttal from Concerned Residents of Copley Township to Variance Application

Concerned Residents of Copley Township Rebuttal to Applicant answers to question #2:

While granting these variances will cause many negative impacts to the immediate neighborhood and community in general, the biggest impact would be to the natural resources present on the subject properties. Copley's 2020-2025 Land Use Plan (Land Use Plan) acknowledges the environmental importance and economic significance of the natural resources present throughout the subject property. The entire reason for setbacks is protection of the wetlands from human activity, and in its most destructive form is construction activity. Approval of these variances will result in only negative impacts to the existing wetland, surface waters, riparian, habitat resources for the subject property and all downstream waters, lands, and homeowners.

Permitting these variances will result in a significant reduction in vegetative cover. Vegetative cover will be replaced with impervious surfaces that will create a significant increase in storm runoff. The subject property drains to ditch 38 and through the Class 3 UA Research Wetland today, and will continue to do so during and post construction. The subject property is less than a mile upstream in the watershed from the UA Research Wetland. This area is unique in that it is highly sensitive, flood prone watershed with undersized hydraulic capacity and is relatively flat. It also contains a lot of farmland, high-quality wetlands, and residents. This area is already subject to flooding. Summit County Engineer Surface Water Management District has acknowledged current flooding issues within this floodplain with two priority projects that surround the subject property. One for Copley Meadows storm outlet to ditch 38, and another for ditch 38 south of Wright Rd. By a recent study performed by the applicant titled Preliminary Critical Storm Calculations and prepared by Davey Resource Group, dated July 28, 2022, estimated stormwater runoff will increase up to 250% from the subject property. Any increase in runoff will increase the likelihood for flooding on and around subject properties, as well as downstream in the watershed. Decisions on these variances and decisions regarding this project should be postponed until all details are known with project scope for the two Summit County Engineer projects referenced are known. Will the capacity of ditch 38 remain the same after completion of the Summit County Engineer priority projects? The Land Use Plan also references many times goals to, *"Identify and work to correct stormwater runoff and flooding within and beyond the Township's borders"*. With variance approval, increased flooding should be expected for homeowners and farmers in the watershed along and downstream of ditch 38. This decision would be in direct conflict with the Land Use Plan

Allowing this variance will also negatively impact storm water quality (both during and post construction). Higher levels of contaminants will be introduced to waters downstream of subject property including various streams, ditch 38, wetlands including the UA Research Wetland, and waters further downstream. The fragile and interdependent ecosystems will be permanently changed. The 2020-2025 Copley Land Use Plan also acknowledges these facts. Allowing these variances will allow significant detrimental destruction during construction, permanently changing the delicately balanced ecosystem they are today. The term 'minimizing disturbance' when building a road across a floodplain and structures 0' from wetlands, is infeasible during construction. Construction equipment is large, and highly destructive, even when prudent mitigation measures are attempted. Post construction, the environment will have been permanently altered. The disturbances associated with these variance requests will not be 'minimal'.

3. List All Contiguous and Adjacent Property Owners (names, address, city and zip code):

Marguerite Ritter: 1825 Jacoby Road Ray Boggs: 1795 S. Jacoby Road Spring Garden Waldorf School: 1791 Jacoby Road Timothy C Clugsten: 2630 Wealthy Drive Michael T. Kaiser: 2610 Wealthy Drive Stanley Vaught: 2598 Wealthy Drive Wisam H Kis Burrus: 2576 Wealthy Drive Brian D. Spangler: 2564 Wealthy Drive John R. Hamilton: 1590 Sunnyacres Road Brian D. Gunner: 1606 Sunnyacres Road Lakeisha S. Shepherd: 1616 Sunnyacres Road Shayna M. Bartlett: 1634 Sunnyacres Road Angela M. Duplago: 1642 Sunnyacres Road Randy Key: 1650 Sunnyacres Road Justin A. Yablonski: 1655 Sunnyacres Road Shelly L. Mazzagatti: 1492 Victor Drive William H Marshall: PPN 1502134 Barbara J.

Rebuttal from Concerned Residents of Copley Township to Variance Application

Lloyd: 1572 Victor Drive Andrew P. Thorn: 1760 & 1764 Lakeland Avenue Gary L. Cooley: 1907 Jacoby Road

Concerned Residents of Copley Township Rebuttal to Applicant answers to question #3:
Should adjacent properties on the west side of Jacoby be included on this list? How many of the adjacent property owners are in favor of approval of the variances requested?

Additional Comments on Variances Requested:

Copley Board of Zoning Appeals webpage, Under Types of Variance, Area Variance states:

"AREA VARIANCE

An Area Variance is the most common as it does not involve a change of use or use of land not permitted in the particular zoning district the property is located in. An Area Variance is normally granted on the basis of a practical difficulty. Common examples of an Area Variance include:

- *An oversize residential garage for the size of the lot*
- *Privacy fence height in excess of allowed*
- *Location of a garage, house, or a building closer to the lot line than normally permitted, and*
- *Construction of a single-family dwelling on a prior recorded lot which is smaller than one currently required for new lot creation.*

In applications for area variances, the practical difficulty is normally due to the size, shape, or topography of the property; the location of existing structures, or the desire to preserve a large tree or other desirable landscape feature.

The board, in the case of an Area Variance, is required to weigh the requested variance against the following criteria:

1. *How substantial the variation is in relation to the requirement*
2. *The effect, if the variance is allowed, of the increased population density that is produced on available government facilities (fire, water, garbage, etc.)*
3. *Whether a substantial change will be produced in the character of the neighborhood or a substantial detriment to adjoining properties will be created*
4. *Whether the difficulty can be alleviated by some method, feasible for the applicant to pursue, other than by a variance*
5. *Whether in view of the manner in which the difficulty arose, and considering all of the above factors, the interests of justice will be served by allowing a variance."*

<https://www.coplev.oh.us/171/Board-of-Zoning-Appeals>

Copley Residents Perspective with respect to Copley BZA Criteria:

- 1) The variation is substantial, as the Applicant wishes to not only interfere with wetland and riparian, and floodplain setbacks, they want to build directly adjacent to and on top of the wetlands and floodplains. Their assertion that "*those neighbors closest to the floodplain crossing are already encompassed within the 100-yr floodplain and thus will not be affected any permitted work that takes place within the flood plain as part of the proposed project*" is absurd when the Applicant seeks to build on wetlands and more of the floodplain which would only serve to exacerbate flooding problems experienced in that community. Following the LUP as previously described, Copley needs to protect and improve flooding conditions for existing residents.

Rebuttal from Concerned Residents of Copley Township to Variance Application

2) The increased population density would create an additional burden on fire and police that are seeking additional taxpayer funding due to current staffing and infrastructure being insufficient for current Copley demands, much less an additional development of 133 household units. Copley Township Police and Fire recently sent a letter to residents, soliciting support for a new safety facility, and stated "*our current fire and police facilities no longer meet our community's needs*". At the time this Fire and Safety letter was sent, the project recently approved on Rothrock Rd was not complete with tenants moved in. This will be an increase burden not yet realized for safety forces. Approval for the Jacoby Rd project and associated variances will only strain Police and Fire resources more than they already are currently.

3) The variances would lead to a substantial, detrimental change in the character of the neighborhood. The primarily affected neighborhood of the development is Jacoby Road, which is farms, open land, and single family households on relatively large lots. High density housing is wholly out of place in such a community, and opposed by said community. The comparison that has been made to Copley Meadows is simply unfounded. The Land Use Plan supports maintaining the rural character of the Township, and is stated therein many times.

4) The difficulty is solely due to the desired development of the land - that is, the difficulty is of the Applicant's own making. They could develop a single family household on the land as the land is currently zoned. They are not prohibited from developing in accordance with current zoning, they simply do not wish to.

5) Considering all the above factors, justice would not be served for Copley Township, its natural resources, nor its residents. Rather, Copley Township would be taken advantage of for the detriment of Copley, and solely for the benefit of the applicant who cares not for this community.

SEE FULL PRESENTATION SUBMITTED BY THE CONCERNED RESIDENTS OF COPLEY TOWNSHIP ONLINE

https://www.copley.oh.us/AgendaCenter/ViewFile/Agenda/_07052022-674?html=true

Jacoby Multi Family; Rezoning Residential Conservation Development (R-CD) “Project”

By Concerned Residents of Copley Township

7/24/2022

1