

January 6, 2020

Held _____ 20____

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Mr. Gregory convened the Architectural Review Board meeting at 6:00 p.m. Present were Dale Couch, Dwayne Groll, Joe Gregory, and Christopher Mong. Christine Davis, Kelly McPherson and James Grigson were absent. Also present were Shawna Gfroerer and Clarissa Hunt from the Department of Community & Economic Development.

The Board welcomed Christopher Mong, one of the newly appointed alternative voting members.

REVIEW OF MINUTES

Mr. Gregory made a motion to move approval of the December 2, 2019 meeting minutes to the February 3, 2020 meeting due to Board members being absent. Mr. Couch second. Mr. Gregory asked for a vote. The motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Dale Couch	X		X	X		
Christine Davis						
Joe Gregory	X	X		X		
Dwayne Groll	X			X		
Kelly McPherson						
James Grigson (alt.)						
Christopher Mong (alt.)	X			X		

ELECTION OF OFFICERS

Mr. Couch made a motion to move the election of officers to the February 3, 2020 meeting due to Board members being absent. Mr. Groll second. Mr. Gregory asked for a vote. The motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Dale Couch	X	X		X		
Christine Davis						
Joe Gregory	X			X		
Dwayne Groll	X	X		X		
Kelly McPherson						
James Grigson (alt.)						
Christopher Mong (alt.)	X			X		

BUSINESS FROM THE DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT

Ms. Gfroerer provided an update on large commercial activities and stated that Omni Senior Living and Redwood Apartment Neighborhood are under construction. Arby's restaurant, Rothrock Road Mixed Use Compact Development District, Rothrock Road Multi-tenant Office Building and Studio B are all under review.

For the small-mid commercial activities, Dan's Wholesale Carpet and Thomarios Construction are projects in progress.

For small scale commercial projects, Vio Med Spa, Copley-Fairlawn Vet Clinic, Twisted Grill & Grind, 3610 Clothing Company, The Sassy Sunflower Boutique, Sawmill Associates, Walterville, Capital Business Resources, The Town Tavern Expansion and Kintaro Restaurant are in progress.

Ms. Gfroerer stated that the majority of activity in December consisted of Business Use Certificates. The department processed 8 applications for a total investment of \$1,839,000.00 in the month of December. The department processed 209 applications for a total investment

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1 of \$17,549,064.00 for 2019. The majority of activity consisted of decks, accessory buildings,
2 single family homes and Business Use Certificates.
3

4 **NEW BUSINESS**
5

- 6 **Applicant:** Louis Petit & Mark Ferguson
- 7 **Business Name:** Studio B Inc.
- 8 **Landowner:** Studio B Inc.
- 9 **Property Address:** 1262 S. Cleveland-Massillon Rd.
- 10 **Property Location:** Parcels #1503346 & #1503347
- 11 **Parcel Size:** 0.5 Acres
- 12 **Zoning District:** C-GR (Commercial General Retail)
- 13 **Proposal:** Major Site Plan-Commercial Addition

15 Ms. Gfroerer presented the application for applicants, Louis Petit and Mark Ferguson,
16 on behalf of Studio B Inc. who are requesting to construct a 5251 square foot addition
17 of warehouse space to the existing building located at 1262 S. Cleveland Massillon
18 Road for the purpose of accommodating increased business demand.
19

20 Studio B is a local poster publisher, wholesaler, distributor of licensed merchandise
21 and artist representative located in Copley Township.
22

23 The applicants are proposing to place a new façade
24 on the existing building, pave the existing gravel lot
25 and access driveway, improve the existing curb cut
26 and implement a full landscape plan inclusive of
27 floodplain restoration vegetation.
28



29 The building is located within an existing floodplain
30 with a 1% chance of annual flood. Clearing of
31 vegetation inside of the floodplain and installation
32 of impervious cover occurred between 2012 and
33 2015.
34

35 The Board of Zoning Appeals will review the
36 following variance requests:
37

- 38 • Previous Disturbance: Article 15.06 E.-Modification of Natural Vegetation & F.-
- 39 Parking Lots (Human Made Impervious Cover).
- 40 • Article 15.06 A. Construction. Constructing a building inside of the floodplain.
- 41 • Article 15.09 C. 4. Variances within Riparian Setback.
- 42 • Article 4.01 F 2. Development Standards. Minimum Rear Yard Setback 50'.
- 43 • Article 10.02 B. Non-Conforming Structures. A Legal-Nonconforming structure
- 44 may be altered, improved or reconstructed, enlarged, or extended, and will
- 45 remain a Legal- Nonconforming structure, provided such changes to the
- 46 structure do not exceed sixty percent (60%) of the original structural area,
- 47 measured in cubic feet.
- 48 • Per a variance granted August 3, 1988, this parcel is to have 17 parking spaces.
- 49 The applicant is requesting 11 spaces.
- 50 • The applicants will be required to consolidate the parcels as a condition to the
- 51 variance request.

52
53 The site is serviced with the following utilities.
54

- 55 • City of Akron Water
- 56 • City of Akron Sewer
- 57 • First Energy Electric

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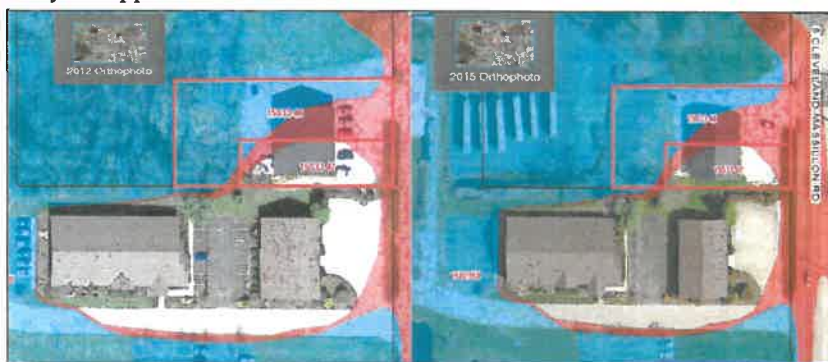
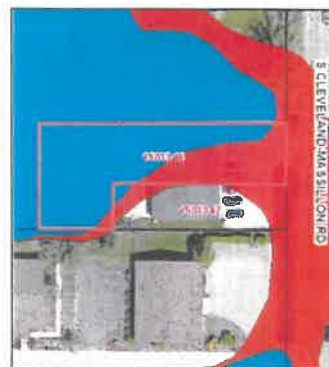
- Dominion East Gas

The following agencies/departments must review and approve the proposed project:

- Copley Fire
- Copley Service Dept.
- Copley Police Dept.
- Copley Dept. of Community & Economic Development
- Summit County Soil and Water Conservation
- Summit County Engineer
- City of Akron Sewer
- City of Akron Water

Ms. Gfroerer reviewed the floodplain elevations and previous disturbance of the floodplain.

The building is located within an existing floodplain. FEMA acknowledges the applicants intent to construct and fill inside of the floodplain through a Conditional Letter of Map Revision Based on Fill Document issued on 5/30/2019. A final determination cannot be issued until As-Built Surveys are provided, conditional upon satisfying all Township and County requirements. The 1% Annual Chance Flood Elevation for this area is 1020.4. The applicant is proposing to submit one Letter of Map Amendment to FEMA upon completion of the project. Therefore, the disturbance area will be calculated using the Summit County GIS Mapping, not the contingent flood elevation mapping submitted to FEMA by the applicant.



The clearing of vegetation inside of the floodplain and installation of impervious cover occurred between 2012 and 2015. Vegetation clearing included the removal of shrubs, overgrowth and several mature trees. Per Summit County Soil & Water, the area of disturbance is calculated to be approximately 6,999 square feet. The property owner was not aware of the Riparian regulations at the time of disturbance. The applicants have proposed a restoration plan which would attempt to restore the permeable surface through the implementation of a full landscape plan. The landscape plan, would restore approximately 3861 square feet of permeable vegetation or 55%.

527

RECORD OF PROCEEDINGS
COPLEY TOWNSHIP ARCHITECTURAL REVIEW BOARD

Minutes of

Meeting

BEAR GRAPHICS 800-375-8094 FORM NO. 10148

January 6, 2020

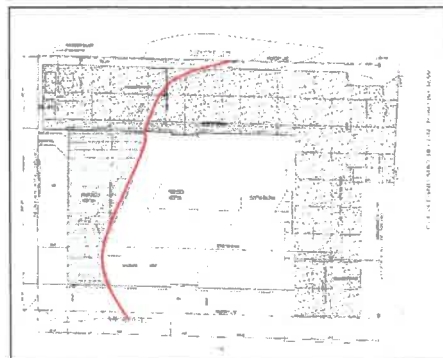
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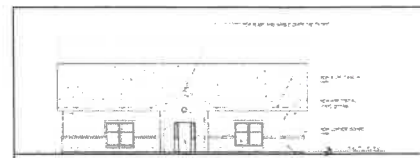


This Site Plan submitted to FEMA by the applicant shows that only the building portion indicated in dark gray checkered is representative of the actual building elevation which would be inside of the floodplain or lower than the floodplain elevation as indicated by FEMA at 1020.3 (indicated to the left of the red marking).



Ms. Gfroerer reviewed the building elevations.

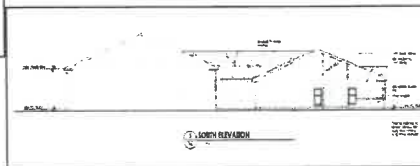
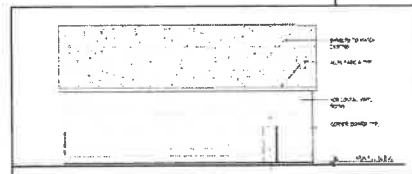
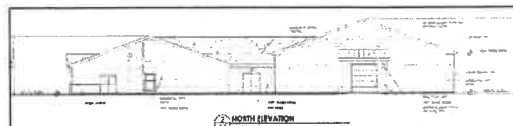
New trim will be installed on all existing windows and doors. Vinyl shake and veneer stone elements will be added to complement the side doors and windows on the north and south building facades.



A new dumpster enclosure will be installed.



The existing building height to roof pitch is 20'6" the new building height to roof pitch will be 26'. A transitional roof will extend across the existing building and new addition. The existing roof and addition will be comprised of shingles.

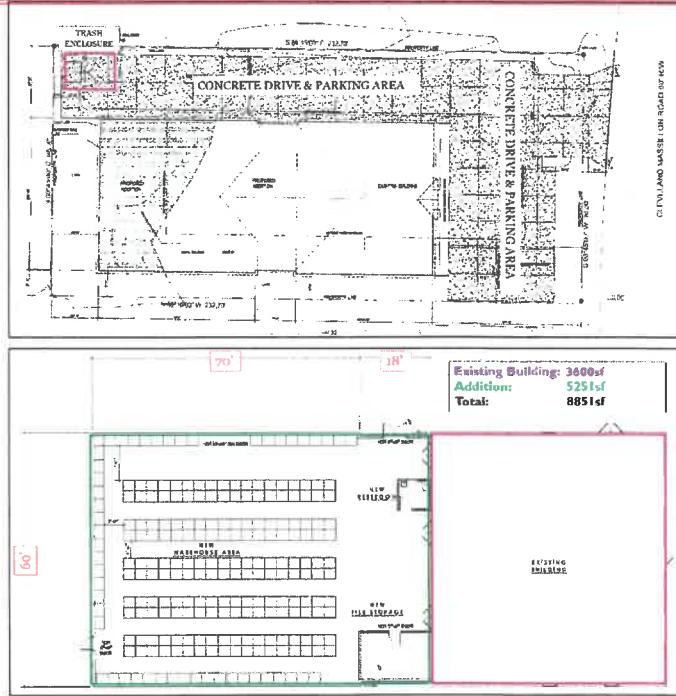


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26 Ms. Gfroerer reviewed the landscaping plan.

27
28 The applicants propose to implement a restoration landscape plan which includes the
29 installation of new pervious surface consisting of green lawn, shrubs, and trees. The
30 plan would include new façade vegetation and parking landscape islands. The
31 proposed landscape schedule is as follows:

- 32
- 33 4 Eastern Redbuds
- 34 3 Red Maples
- 35 21 Dwarf Burning Bush
- 36 12 Golden Bell Forsythia
- 37 5 Oak Leaf Hydrangea
- 38 10 Birds Nest Spruce
- 39 2 Fire & Ice Hydrangea
- 40

41 Per Article 14-Landscaping, Buffering and Screening, Section 14.06-Building Façade
42 Landscaping the applicant is required to provide landscape at least 75% of the
43 building façade to include at minimum of 3 trees for every 100 lineal feet. At 60' of
44 building frontage, the applicant is required to install 2 trees. The applicant is
45 proposing to install 3 Eastern Redbuds.

46
47 **The clearing of vegetation inside of the floodplain and installation of impervious cover
48 occurred between 2012 and 2015. Vegetation clearing included the removal of shrubs,
49 overgrowth and several mature trees. Per Summit County Soil & Water, the area of
50 disturbance is calculated to be approximately 6,999 square feet. The property owner
51 was not aware of the Riparian regulations at the time of disturbance. The applicants
52 have proposed a restoration plan which would attempt to restore the permeable surface
53 through the implementation of a full landscape plan. The landscape plan, would restore
54 approximately 3861 square feet of permeable vegetation or 55%.*

55
56 The applicant is also planning to install 3 Red Maples as part of the restoration plan
57 in the rear of the property. Per Article 14- Section 14.08-Screening and Landscaping

1 of Parking Lots the applicant is required to have one landscape island for every 10
 2 spaces including one tree per island and 10 feet of perimeter landscaping. The
 3 applicant is proposing 11 spaces and plans to install 2 parking islands located at the
 4 curb and install perimeter landscape along with concrete drive.
 5

6 Ms. Gfroerer reviewed the Area Variances requested for this project as found in the
 7 Zoning Resolution.
 8

9 **5. Article 10.02 B. Non-Conforming Structures. A Legal-Nonconforming structure**
 10 **may be altered, improved or reconstructed, enlarged, or extended, and will**
 11 **remain a Legal- Nonconforming structure, provided such changes to the**
 12 **structure do not exceed sixty percent (60%) of the original structural area,**
 13 **measured in cubic feet.**
 14

15 *The existing structure does not meet the minimum required side yard setback.*
 16 *The existing structure is setback 10' from the side yard line located on the south*
 17 *side of the property. This was conforming when the structure was built under the*
 18 *C-3 standards. The minimum requirement for side yard setbacks in the C-GR*
 19 *District is 25'. The existing structure is 3600 square foot or 56,026 square feet*
 20 *will be expanded by 5251 square feet which is 102,474 cubic feet or 83%.*
 21

22 a) Can the property in question yield a reasonable return or can there be a beneficial
 23 use of the property without the variance? *The property can continue to be utilized*
 24 *as exists, however, the property owner cannot continue to utilize the building as*
 25 *it currently exists due to increased production demand for product.*
 26

27 b) Is the variance substantial? *While the percentage of the variance is over 50%,*
 28 *the building was legally constructed with the appropriate side yard setback*
 29 *under the C-3 District. Therefore, the applicant intends to remain in line with the*
 30 *building setback under which original construction occurred.*
 31

32 c) Will the essential character of the neighborhood be substantially altered or will
 33 adjoining properties suffer a substantial detriment as a result of the variance? *The*
 34 *character of the neighborhood will be improved by the addition, façade*
 35 *improvements, parking lot and curb access improvements and a new landscape*
 36 *plan. Pending determination review of impact of floodplain construction to*
 37 *adjacent properties.*
 38

39 d) Does the variance adversely affect the delivery of governmental services (i.e. water,
 40 sewer, garbage)? *Pending determination of impact of floodplain.*
 41

42 e) Did the applicant purchase the property with knowledge of zoning restrictions?
 43 *Applicants state they were unaware of the zoning restrictions when they*
 44 *purchased the land.*
 45

46 f) Can the property owner's predicament be obviated through some other method
 47 than a variance? *No.*
 48

49 g) Would the spirit and intent behind the zoning requirements be observed and
 50 substantial justice done by granting the variance? *Yes, the building was legally*
 51 *constructed with the appropriate side yard setback under the C-3 District.*
 52 *Therefore, the applicant intends to remain in line with the building setback under*
 53 *which original construction occurred. Additionally, with proper and responsible*
 54 *floodplain development, the applicant is able to utilize the land as appropriately*
 55 *zoned and compatible with the use as defined in the Zoning Resolution. The*
 56 *variances will permit the applicant to improve the existing property and*

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1 contribute to the overall visual improvement of the main Industrial Corridor of
2 the Township.

3
4 6. Per a variance granted August 3, 1988, this parcel is to have 17 parking spaces.
5 The applicant is requesting to install and stripe 11 spaces, inclusive of one
6 handicap space. The applicant would like to use the rear of the building to install
7 additional pervious lawn as opposed to additional parking. The applicant has
8 reached out to the adjacent parcel owner to discuss overflow parking on their lot.
9

10 a) Can the property in question yield a reasonable return or can there be a beneficial
11 use of the property without the variance? **The property can continue to be utilized**
12 **as exists, however, the property owner cannot continue to utilize the building as**
13 **it currently exists due to increased production demand for product.**
14

15 b) Is the variance substantial? **No. The applicant has operated with approximately**
16 **11 spaces over the past several years and has not found this to be problematic.**
17 **Additionally, there is opportunity for shared parking with adjacent property**
18 **owner.**
19

20 c) Will the essential character of the neighborhood be substantially altered or will
21 adjoining properties suffer a substantial detriment as a result of the variance? **The**
22 **character of the neighborhood will be improved by the addition, façade**
23 **improvements, parking lot and curb access improvements and a new landscape**
24 **plan. Pending determination of impact of floodplain construction to adjacent**
25 **properties.**
26

27 d) Does the variance adversely affect the delivery of governmental services (i.e. water,
28 sewer, garbage)? **Pending determination of impact of floodplain.**
29

30 e) Did the applicant purchase the property with knowledge of zoning restrictions?
31 **Yes. However, the applicants would like to install pervious green lawn as opposed**
32 **to additional impervious parking.**
33

34 f) Can the property owner's predicament be obviated through some other method
35 than a variance? **No.**
36

37 g) Would the spirit and intent behind the zoning requirements be observed and
38 substantial justice done by granting the variance? **Yes. The applicants desire to**
39 **install pervious surface as opposed to additional impervious parking is**
40 **supported by the Zoning Resolution. Additionally, the applicant is aware of their**
41 **business model and finds that 11 spaces will adequately serve their operation**
42 **even with the warehouse expansion. Additionally, with proper and responsible**
43 **floodplain development, the applicant is able to utilize the land as appropriately**
44 **zoned and compatible with the use as defined in the Zoning Resolution. The**
45 **variances will permit the applicant to improve the existing property and**
46 **contribute to the overall visual improvement of the main Industrial Corridor of**
47 **the Township.**
48

49 Ms. Gfroerer reviewed the Riparian Variance requested for this project per the Zoning
50 Resolution.

51
52 1. **Prior disturbance inside of the floodplain and relief from Article 15.06 E.-**
53 **Modification of Natural Vegetation and F.-Parking Lots (Human Made**
54 **Impervious Cover). The applicant is seeking recommendation for approval**
55 **from the Architectural Review Board for their proposed restoration plan.**
56

57 2. **Article 15.06 A. Construction. Constructing a building inside of the floodplain.**

531

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1 **3. Article 15.09 C. 4. Variances within Riparian Setback. The expansion of a non-**
2 **residential structure or use will not exceed 25% of the footprint area. The 25%**
3 **expansion limit is per se the portion of the structure or use that lies within the**
4 **Riparian Setback. Based on variance approval for previous clearing, the current**
5 **footprint would be calculated at 17,534 square feet, therefore, the applicant**
6 **would be permitted an expansion of 4383 square feet. The applicant is requesting**
7 **5251 square feet for a total expansion of 30%.**

- 8
- 9 a) The expansion conforms to the existing zoning regulations.-**Variance Required.**
- 10
- 11 b) The expansion must not impact the stream channel or the 100-year floodplain.-
- 12 **Variance Required.**
- 13
- 14 c) The expansion of a non-residential structure or use must not affect upstream or
- 15 downstream hydrologic conditions which could cause damage from flooding or
- 16 streambank erosion to landowners in those areas. A hydrologic study must be
- 17 completed by non-residential applicants only as a process of the variance application.
- 18
- 19 d) The expansion of a non-residential structure or use will not exceed 25% of the
- 20 footprint area. The 25% expansion limit is per se the portion of the structure or use
- 21 that lies within the Riparian Setback.-**Variance Required.**
- 22

23 **Mr. Gregory asked if anyone would like to speak to this application.**

24

25 Louis Petit, Studio B Inc., 1262 S. Cleveland-Massillon Rd.

26

27 Mark Ferguson, Four Points Architectural Services, Inc., 2850 S. Arlington Rd. #200,

28 Akron

29

30 **Mr. Groll asked if their plans would eliminate the drive to the other property.**

31 *Mr. Ferguson stated that they didn't have control over that property. Mr. Petit stated*

32 *that it will eliminate the connection to the other property.*

33

34 **Mr. Gregory asked if there are overhead utility lines. Mr. Gregory stated that**

35 **the landscaping proposed for Cleveland-Massillon Rd. sounds appropriate**

36 **although there is heavy traffic and salt. They may want to look into more road**

37 **salt tolerate trees.**

38

39 **Mr. Gregory asked about the width of the landscaping berm to the north. Mr.**

40 *Ferguson stated that it is a 6' width. Mr. Gregory stated that if they are able to go*

41 **slightly larger it's possible to plant trees in the area which would better define**

42 **the property. The small shrubs are fine although small trees would add to**

43 **height, texture and would add to the tree canopy. Mr. Ferguson stated that they**

44 *have circulation issues with semi-trucks coming in and out safely.*

45

46 **Mr. Groll asked that the elevations be reviewed.**

47

48 **Mr. Groll stated that the site looks very flat and asked how they would deal with**

49 **water issues. Mr. Ferguson stated that it was less flat before the trees were removed**

50 **and they are going to grade. Mr. Ferguson was pointing to a rendering and explaining**

51 **how and where they would have to grade the site.**

52

53 **Mr. Groll asked for the size of the site. Mr. Ferguson stated it is .5 acres.**

54

55 **Mr. Groll asked if they are in discussions with Summit Soil & Water in terms of**

56 **water quality. Mr. Ferguson stated that they do not have a formal submittal they have**

57 **only spoken with Ms. Gfroerer.**

RECORD OF PROCEEDINGS

COPLEY TOWNSHIP ARCHITECTURAL REVIEW BOARD

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

January 6, 2020

Held

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Mr. Gregory asked if more permeable parking surface would help with drainage concerns that the site might present. Mr. Ferguson stated for our area he is not a proponent.

Ms. Gfroerer clarified all of the variances that are being requested. Three are in regards to the area and three are in regards to construction in a flood plain.

Mr. Gregory asked for a motion. Mr. Groll made a motion to recommend to the Board of Zoning Appeals to continue review of the applicants request for variances related to fill and construction inside of the existing floodplain pending review by Summit County Soil & Water, Summit County Engineers Office and other agencies as required and recommended approval to the Board of Zoning Appeals for the applicant's request for a 20' rear yard setback, a 10' side yard southern setback for new construction and 11 parking spaces instead of the 17 spaces required. Mr. Couch second. Mr. Gregory called for the vote. Motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Dale Couch	X		X	X		
Christine Davis						
Joe Gregory	X			X		
Dwayne Groll	X	X		X		
Kelly McPherson						
James Grigson (alt.)						
Christopher Mong (alt.)	X			X		

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OLD BUSINESS

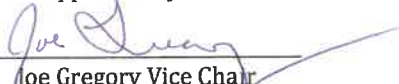
Ms. Gfroerer asked if the Architectural Review Board would like to formally submit the Tree Preservation Text Amendment as proposed.

The members of the Architectural Review Board agreed to send the proposed amendment to the Zoning commission.

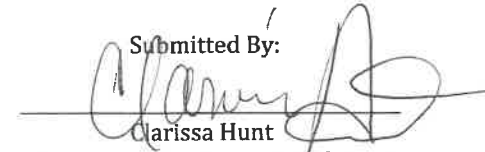
There was no Business from the Floor.

The next Architectural Review Board meeting is scheduled for February 3, 2020. With no further business to come before the Architectural Review Board, Mr. Gregory made a motion to adjourn the ARB meeting, Mr. Couch second, the motion carried and the meeting was adjourned at 7:47pm.

Approved By:


Joe Gregory Vice Chair
Architectural Review Board

Submitted By:


Clarissa Hunt
Community & Economic Development