

January 14, 2026

Held \_\_\_\_\_

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Mr. Call convened the Copley Township Board of Zoning Appeals meeting at 6:00 p.m. Russ Hose, Mike Pritchett, Neal Call, Charles Myrick and Kyle Nelson were present. Shawna Gfroerer and Jeff Newman from the Department of Community & Economic Development were also present.

### REVIEW OF MINUTES

Mr. Call asked for a motion. Mr. Pritchett motioned to approve the meeting minutes from November 12, 2025. (The December meeting was canceled due to lack of business.) Mr. Hose seconded. Mr. Call asked for a vote. The motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Russ Hose	X		X	X		
Mike Pritchett	X	X		X		
Neal Call	X			X		
Naureen Dar	Absent					
Charles Myrick	X			X		
Kyle Nelson (alt.)	X			X		
(alt.)						

### Business from the Department of Community & Economic Development.

Ms. Gfroerer provided the following information:

- a) Professional Development-OTA Winter Conference
- b) Design Guidelines-Preview of the layout and thanked Mr. Kanis for his work on the document

### NEW BUSINESS

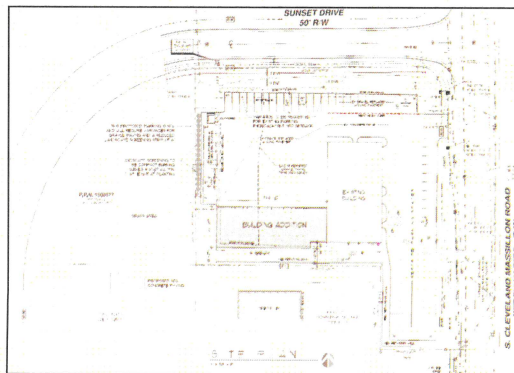
Mr. Call swore in all of those wishing to speak in regards to the proposed variance applications.

Ms. Gfroerer presented business for the Board.

Case #: ARB202603/VAR202601  
 Applicant: David Smith, Architect LLC  
 On Behalf of: Autobahn Service Center  
 Landowners: 1330 S Cleveland Massillon Rd  
 Property Address: 1330 S Cleveland Massillon Rd  
 Property Location: PPN 1508677  
 Zoning District: Industrial (I)  
 Proposal: Major Site Plan-Commercial Addition/Variance

Ms. Gfroerer presented the application on behalf of Mr. David Smith. Applicant, David W Smith, on behalf of Autobahn Service Center, is requesting Site Plan and variance approvals for a commercial addition and parking lot improvements.

- The proposed addition is located to the rear of the main building.
- The existing building is 6,890 square feet in overall area.



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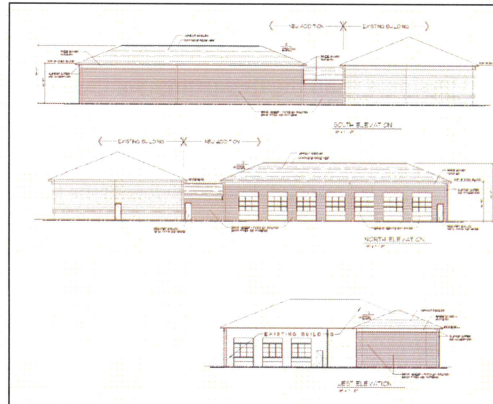
- The addition is 42' x 134' (5,497 square feet in overall area) for a total new building footprint of 12,389 square feet in overall area.

### ARTICLE 5-SECTION 5.01 D. DEVELOPMENT STANDARDS

- 25' Minimum Front Yard Setback
  - Proposed Setback-Sunset Drive-60'+
  - Proposed Setback-S Cleveland Massillon Rd-60'
- 25' Minimum Rear Yard Setback: West
  - Proposed Setback-25'
- 25' Minimum Side Yard Setback
  - Proposed Setback- South: 18'
  - On 6/5/1991, A variance was granted for the reduction in the side yard setback from 25' to 15'
- 50' Maximum Building Height: The structure will be consistent in height with the existing structure. The structures do not exceed 25' in overall height

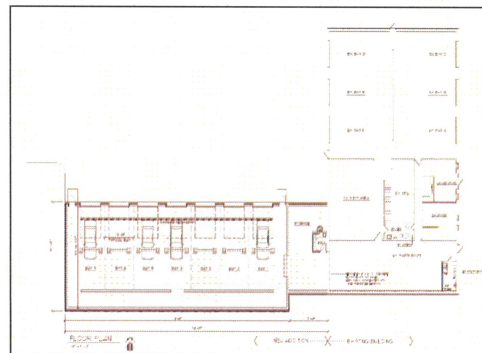
The addition will be constructed of materials to match the existing building including:

- Concrete block with brick veneer in tan, dark brown, light brown
- Aluminum gutter and downspouts painted to match
- Asphalt shingles



Overall updates are inclusive of:

- Seven (7) new service bays
- New storage area
- Replacement of gravel parking areas with concrete pavement
- Restripe of existing parking spaces
- Brick veneer & asphalt shingles to match existing building
- Overhead Service Bay doors
- 340' of redi rock retaining wall to be installed along a portion of the southern property line



### PARKING STANDARDS-Variance Required



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The applicant plans to reconfigure the existing parking lot which will result in a reduction of 9 parking spaces and an increase of 1,600 square feet of new impervious surface for the proposed lot along the western side yard property line.

- Existing parking
  - 81 spaces
- Permitted parking
  - 72 spaces per Copley Township Board of Trustees development agreement for Sunset Drive
- Proposed parking
  - 72 spaces
  - Recommend removal of 1 space located at the entrance on the south side. This space blocks the viewshed of cars entering and exiting.



**LANDSCAPE REQUIREMENTS:**

Section 14.06-Building Façade Landscaping the applicant is required to provide landscape at least 75% of the building façade to include at minimum of 3 trees for every 100 lineal feet. At 134' of building frontage, the applicant is required to install 3 trees.

*2024 parking was installed per a development agreement with Copley Township.*

*At that time, six (6) deciduous trees were to be planted along the northern property line (south side of Sunset Drive). However, due to lack of suitable planting areas available, the trees were planted on the north side of Sunset Drive.*

***Request: Accept Sunset Drive plantings installed on the north side of Sunset Drive to satisfy requirement for building façade landscaping***

Per Article 14, Landscaping, Buffering and Screening

Section 14.08 C. 1. Parking lots shall have a perimeter landscaping of a minimum width of 10' exclusive of vehicle overhang. 2. 2. This perimeter landscaping shall contain sufficient plant material that will achieve an effective, year-round opaque screen of a height of at least three feet within (2) years of installation. The perimeter buffer zone shall also contain deciduous trees and allow adequate snow storage area.

***Request: Reduce required perimeter landscaping along western property line from 10' to 6':***

***Waive perimeter landscaping requirement for previously installed parking spaces (2024).***

Per Article 14- Section 14.08-Screening and Landscaping of Parking Lots the applicant is required to have one landscape island for every 10 spaces including one tree per island and 10 feet of perimeter landscaping.

*2024 parking was installed per a development agreement with Copley Township. At that time, 20 spaces were constructed in the southeastern portion of the property and 12 spaces were constructed along the northern property line. There were no landscape islands installed at that time.*

*Applicant is requesting to install 9 new spaces along the western property line. Landscape island not required.*

***Request: Waive landscape island requirement for previously installed parking spaces.***

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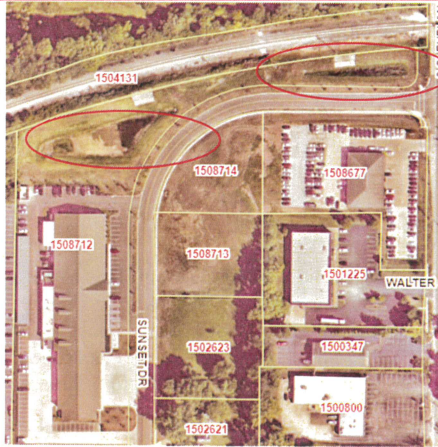
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**SUMMIT COUNTY ENGINEERS OFFICE**

*Proposed Limits of Disturbance: 0.78 A*

*Detention and runoff calculations under review.*

*Stormwater improvements constructed with the Sunset Drive Extension project was not designed to handle flow from the Autobahn site. A pre vs. post analysis will be required for the Autobahn improvements. The new impervious appears to be relatively small, but an analysis of existing gravel compared to proposed concrete and building may show a significant increase in runoff from the site. Per the Urban Hydrology for Small Watersheds Manual from the USDA, the Curve Number for gravel ranges from 85 to 91, depending on Soil Group Classification. Asphalt, concrete and rooftops/buildings Curve Number is 98, regardless of Soil Group. This may result in a Critical Storm of 10 or 25-year design storm.*



**SUMMIT SOIL & WATER CONSERVATION DISTRICT**

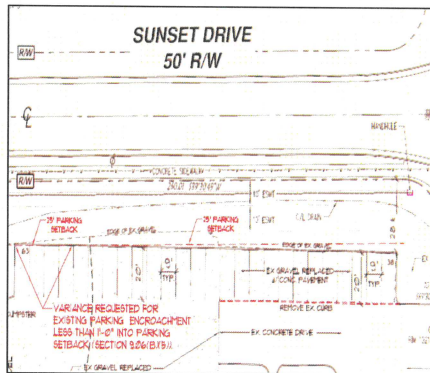
*Detention and runoff calculations under review.*

**VARIANCE REVIEW**

Reduction in the required parking setback (Sunset Drive)

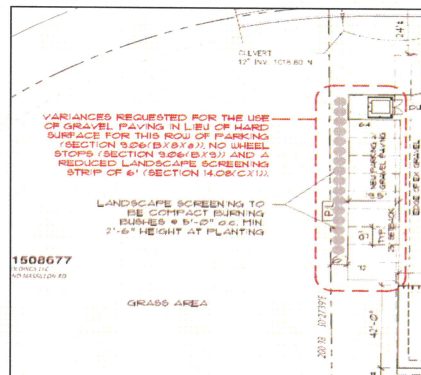
Per Article 9, Section 9.06, 5. Yard Requirements. Subject to the limitations of Section 9.06 B. 2. a., off-street parking spaces may occupy all or any part of any required side or rear yard. However, in no event, shall any required front yard or the side yard along the side street in the case of a corner lot be occupied by such parking space.

***Request: Variance to encroach into the 25' front yard setback by 1'***



Per Article 9, Section 9.06 8. a. Required parking spaces, access drives, and loading areas shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights.....

***Request: Variance to maintain gravel surface for parking area along the western property line***



Per Article 9, Section 9.06 9. Wheel Stops. Whenever a non-residential parking area extends to a lot line, sidewalk, planter strip or building, a wheel stop device consisting of blocks, a permanent curb, expanded sidewalk or other suitable restraint shall be installed. The minimum height of a wheel stop device shall be five (5) inches and the minimum distance from a wheel stop device to a property line or protected area shall be two (2) feet six (6) inches.

***Request: Relief from section 9.06 9. No wheel stops***

**Per the Applicant:**



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**Please Explain the Practical Difficulties or Unnecessary Hardship that Justifies this Application:** (See application for full description)

- *Encroachment is less than 1'. Existing gravel already encroaches and improved concrete surface will better the site.*
- *Request to use gravel as expenses for concrete are being invested into the visible areas of the site.*
- *If request to use gravel is granted, wheel stops would not be practical atop a gravel surface*

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

*The improvements that will take place on this site will vastly improve how this portion of the site is viewed by neighbors and passersby. The Owner of this property is also the owner of the property to the west, and has endorsed requesting these variances with no concern of how the variances, if granted, will affect their property to the west.*

Ms. Gfroerer stated that on January 5, 2026, the Architectural Review Board reviewed the applicants Major Site Plan and request for variances. The ARB motioned to approve the plan as submitted pending the required variances.

Mr. David Smith, Architect and Mr. Louis Pejnovic were in attendance to speak on behalf of the application.

**Mr. Call asked to confirm the acreage.** Ms. Gfroerer stated the per Summit County Fiscal, the parcel is 1.6 acres, however, per the survey provided by the applicant, the parcel is 1.8 acres.

**Mr. Call asked if the applicant is meeting the parking requirements or are there too many spaces?** Ms. Gfroerer stated that the spaces are above the requirements, however, they have been approved per the development agreement with Copley Township.

**Mr. Call asked if the applicant is planning to remove the space as recommended by Staff.** Mr. Smith stated yes, they will remove this space.

**Mr. Call asked for a motion. Mr. Pritchett motioned to close the Public Hearing. Mr. Hose seconded. Mr. Call asked for a vote. The motion carried.**

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Russ Hose	X		X	X		
Mike Pritchett	X	X		X		
Neal Call	X			X		
Naureen Dar	Absent					
Charles Myrick	X			X		
Kyle Nelson (alt.)	X			X		
(alt.)						

**DISCUSSION**

**Mr. Call stated this is a corner lot and required special attention. He recognizes that they will also reduce the gravel spaces from 20 to 9.**

**Mr. Hose stated that wheel stops would not be needed on the gravel surface.**

**Mr. Call stated that these spaces are not planned for customer parking.**

**Mr. Nelson stated that there is nothing to the rear of the spaces and the spaces do not back up to sidewalks or areas where people would be standing.**

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Mr. Call asked for a motion. Mr. Pritchett motioned to approve the applicants request for a 1' reduction required in the parking setback along Sunset Drive, conditioned upon removal of one parking space as recommended in the Staff Report. Mr. Nelson second. Mr. Call asked for a vote. The motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Russ Hose	X			X		
Mike Pritchett	X	X		X		
Neal Call	X			X		
Naureen Dar	Absent					
Charles Myrick	X			X		
Kyle Nelson (alt.)	X		X	X		
(alt.)						

Mr. Nelson motioned to approve the applicants request to maintain a gravel surface with no wheel stops for (9) nine parking spaces proposed along the western property line. Mr. Pritchett second. Mr. Call asked for a vote. The motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Russ Hose	X			X		
Mike Pritchett	X		X	X		
Neal Call	X			X		
Naureen Dar	Absent					
Charles Myrick	X			X		
Kyle Nelson (alt.)	X	X		X		
(alt.)						

Case #: ARB202604/VAR202602  
Applicant: MSA Montrose LP c/o Hampton Properties Ince  
On Behalf of: MSA Montrose  
Landowners: MSA Montrose LP  
Property Address: 4014 Medina Road  
Property Location: PPN 1506859  
Zoning District: Commercial General Retail (C-GR)  
Proposal: Major Site Plan-Commercial Redevelopment/Variance

Ms. Gfroerer presented the application on behalf of the applicant.

Applicants, on behalf of MSA Montrose LP, are requesting site plan and variance approval to redevelop the former Regal Cinema tenant space.

### Narrative: Per the Applicant

- Partial demolition of 10,000sf of the southernmost portion of the existing theatre space, and the front, West wall of the existing space.
- Retrofit system to be installed. New construction of approximately a 12,000sf space, between the remaining theatre area and the existing World Market space to the South. ed.
- The entire front façade of the building is to be expanded approximately 6' to the West, for an additional +/- 1,300sf of leasable space. This will all align with the existing World Market front façade as well.
- Plumbing, electrical, and fire protections services are to be split for two (2) separate commercial tenants.
- West site work is to include the building addition and modifications to the sidewalk and grass area, however no large scope site work to be proposed.



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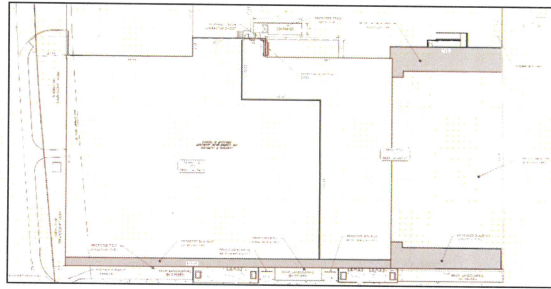
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- East site work to include a portion of the 12,000sf new construction, new concrete loading pad, concrete egress ramp, and trash compactor.
- Landscape façade refreshed/installed along the northern and western elevations

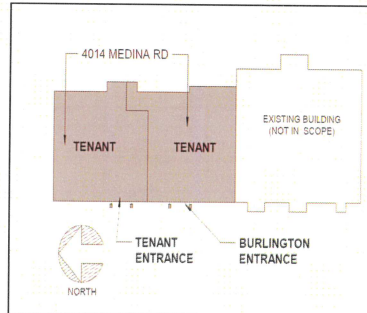


The redevelopment will result in a two tenant spaces.

- Tenant B-24,294 square feet in overall area
- Tenant A-20,260 square feet in overall area

## **Overall updates are inclusive of:**

- Full Interior Renovation
- New front masonry wall to match adjacent building
- New Tenant Entrances
- New sidewalk extension and crosswalks
- Addition of bicycle parking spaces
- Demo and reconstruction of partial Tenant suite A



## **Tenant A Façade Improvements include:**

- Illuminated fiber cement clad panels (Nichina) in custom Burlington Red. Panel are 1' 6", 6' wide
- Autosliding doors clear, anodized aluminum
- Aluminum composite (alucobond) Eyebrow canopy with under canopy lighting
- EIFS in pearly white, wrapped column (EIFS above the water table)



## **Tenant B Façade Improvements include:**

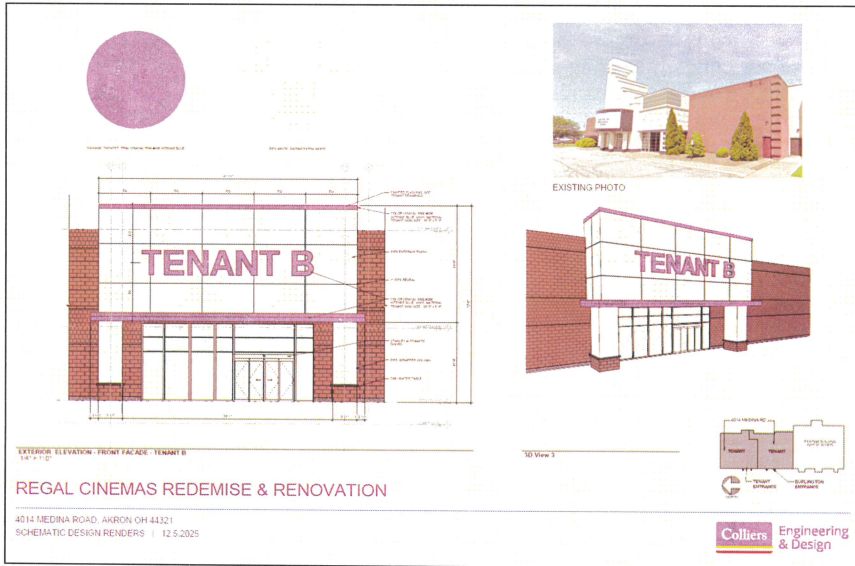
- Painted flashing in intense blue
- EIFS exterior in extra white
- Stanley automatic door

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- 1 • EIFS wrapped column (EIFS above the water table)
- 2 •



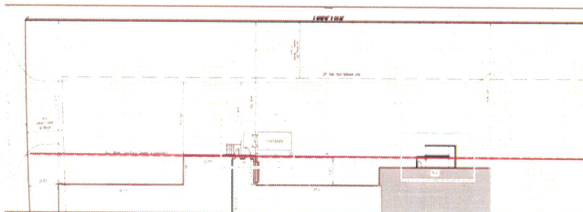
**DEVELOPMENT STANDARDS-Variance Required**

**ARTICLE 4., SECTION 4.01**

- 35' Maximum Building Height
  - Masonry Height: 28'
  - Parapet Wall: 32' for Tenant A & Tenant B
- 50' Minimum Rear Yard Setback (SOUTH)
  - 750' +
- 25' Minimum Side Yard Setback
  - WEST: 59'
  - EAST: 400' +
- 25' Minimum Front Yard Setback (NORTH)
  - **8.1' Non-conforming**

There is an easement located along the western side yard property line. Easement to be confirmed at 50' or 60'. The following items may project into the easement:

- Rear building concrete ingress/egress (not public) for both tenant suites
- Concrete compactor pad
- Loading Dock



**SUMMIT COUNTY ENGINEERS OFFICE**

- Provide a comparison of existing and proposed impervious areas.
- The overall increase in impervious area does not appear to be significant, so no stormwater detention will be required.
- In addition to the impervious area increase, we will need to see the total disturbed area identified on the plans

**SUMMIT SOIL & WATER CONSERVATION DISTRICT**

Provide a comparison of existing and proposed impervious areas.



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**DEPARTMENT OF SANITARY SEWER SERVICES**

- Access Easement Agreement in progress
- Verification of the easement width in question: 50' or 60'

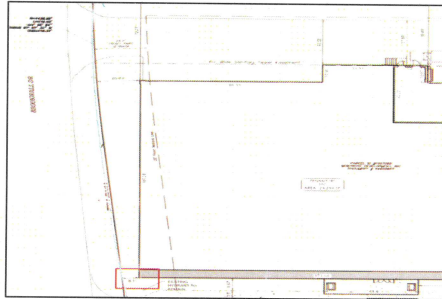
**COPLEY TOWNSHIP**

- Abatement agreement for parking lot improvements and Business Center Sign reconstruction in progress

**VARIANCE REVIEW**

**ARTICLE 4., SECTION 4.01**

- 25' Minimum Front Yard Setback (NORTH)
  - **8.1' Non-conforming**



*Variance Rationale: The front yard setback is pre-existing and created due to the expanded right of way for the installation of Brookwall Drive. This variance will correct the non-conforming setback.*

*The cinema building was constructed in 1988. The 60' Brookwall right-of-way was established in or around 2000.*

*Per the Applicant:*

***Please Explain the Practical Difficulties or Unnecessary Hardship that Justifies this Application:***

*Non-conforming setback as a result of constructing of right of way after construction of building.*

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

*It is believed that the granting of this variance would have no immediate negative effects on the community. This variance would increase the interest in the currently unoccupied space, making it more suitable to lease to commercial tenants.*

*Mr. Matt Wittmer was in attendance on behalf of the application.*

*Ms. Gfroerer stated that on January 5, 2026, the Architectural Review Board reviewed the applicants Major Site Plan and request for variances. The ARB motioned to approve the plan as submitted pending the required variance.*

***Mr. Call asked for a motion. Mr. Pritchett motioned to close the Public Hearing. Mr. Hose seconded. Mr. Call asked for a vote. The motion carried.***

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Russ Hose	X		X	X		
Mike Pritchett	X	X		X		
Neal Call	X			X		
Naureen Dar	Absent					
Charles Myrick	X			X		
Kyle Nelson (alt.)	X			X		
(alt.)						

**DISCUSSION**

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Mr. Call stated the building was first and the road was second. This request will clean up the setback.

Mr. Call asked for a motion. Mr. Hose motioned to approve the applicants request for a 17' reduction in the required front yard setback along Brookwall Drive resulting in an 8' setback. Mr. Nelson second. Mr. Call asked for a vote. The motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Russ Hose	X	X		X		
Mike Pritchett	X			X		
Neal Call	X			X		
Naureen Dar	Absent					
Charles Myrick	X			X		
Kyle Nelson (alt.)	X		X	X		
(alt.)						

**Applicant:** Paul Zuravel  
**Landowners:** Paul and Laurie Zuravel  
**Property Address:** 3018 Ridgewood Rd  
**Property Location:** Parcel 1507073  
**Zoning District:** Residential High Density  
**Proposal:** Variance-Front Yard Setback Section 3.04 D. 4  
**Case #:** VAR202603

Ms. Gfroerer presented the application on behalf of the applicant. Applicant, Paul Zuravel, is requesting a variance to enclose the front porch fronting Ridgewood Road and Jonathan Ave. The total addition will be 217 square feet in overall area.

This is a legal non-conforming structure. Per the Summit County Fiscal Record, the dwelling was constructed in or around 1859.

Per the Section 10.02 B. A legal non-conforming structure may be altered, enlarged, or extended, and will remain a Legal- Nonconforming structure, provided such changes to the structure do not exceed sixty percent (60%) of the original structural area, measured in cubic feet.

The calculation estimates are based on the Summit County Fiscal Record and Zoning Certificates on file:

- 1949: Estimate of original construction: 1686 square feet (843) x 18' foot façade Total cubic feet 15174
- 60%=9107 cubic feet
- 1973: Addition 14 x 20 x 18'=5040 cubic feet
- Proposed Addition: 217 square feet x 12' facade=2604 cubic feet

This is a corner lot.

RESIDENTIAL	
Tax Year	2026
Card	1
Stories	2
Exterior Wall	1 - FRAME
Style	33 - COLONIAL
Square Feet	1,966
GFLA	648
Year Built	1859
Effective Year	
Year Remodeled	
Complete %	



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Ridgewood Road: Per Section 3.04 D.4. of the Copley Township Zoning Resolution, the minimum front yard on a collector/arterial is 60'. The addition will be setback a minimum of 38' from Ridgewood Road.

Jonathan Avenue: Per Section 3.04 D. 4. of the Copley Township Zoning Resolution, the minimum front yard on any other than a collector/arterial is 30'. Jonathan Avenue is a local cul-de-sac roadway. The addition will be setback 50' from Jonathan Avenue.

### VARIANCE

The applicant is seeking a 22' reduction in the required front yard setback along Ridgewood Road. This will result in a 38' front yard setback.

### **PER THE APPLICANT: REVIEW CRITERIA**

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

*Inadequate setback*

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

*No adverse effects*

### **INTERNAL REVIEW**

### **VARIANCE STANDARDS (Duncan v. Middlefield)**

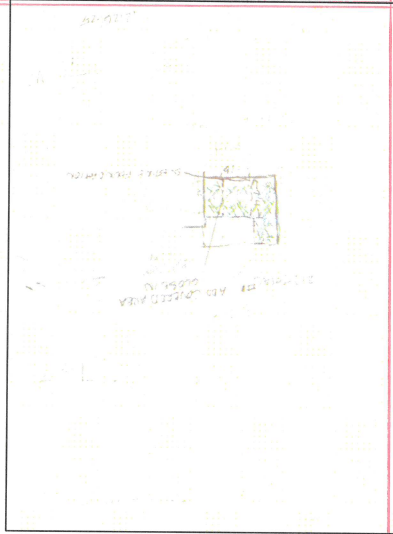
- a) Can the property in question yield a reasonable return or can there be a beneficial use of the property without the variance?
- b) Is the variance substantial?
- c) Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment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

Ms. Gfroerer stated that the proposed setback is in line with adjacent front yard setback for 3040 Ridgewood Road. This property is recorded with a 33' front yard setback.

Mr. Paul Zuravel was in attendance to speak on behalf of the application.

Mr. Zuravel stated the following:

- When the house was built, there were no setbacks.



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- This project will match the setback of the neighbor.
- They are trying to make their space more useable and by closing this in they will have more space and it will help provide a buffer from the road noise.

Mr. Call asked for a motion. Mr. Pritchett motioned to close the Public Hearing. Mr. Hose seconded. Mr. Call asked for a vote. The motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Russ Hose	X		X	X		
Mike Pritchett	X	X		X		
Neal Call	X			X		
Naureen Dar	Absent					
Charles Myrick	X			X		
Kyle Nelson (alt.)	X			X		
(alt.)						

### DISCUSSION

Mr. Hose stated that the enclosure makes sense for the house since the porch is already there.

Mr. Call stated that the house was there before the road.

Mr. Call asked for a motion. Mr. Pritchett motioned to approve the applicants request for a 22' reduction in the required front yard setback along Ridgewood Road resulting in a 38' setback. Mr. Hose second. Mr. Call asked for a vote. The motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Russ Hose	X		X	X		
Mike Pritchett	X	X		X		
Neal Call	X			X		
Naureen Dar	Absent					
Charles Myrick	X			X		
Kyle Nelson (alt.)	X			X		
(alt.)						

Case #: ARB202602/VAR202604  
Applicant: Jared T Kiehl  
On Behalf of: Kiehl Construction  
Landowners: 1660 Collier Rd LLC  
Property Address: 1660 Collier Rd  
Property Location: PPN 1505169  
Zoning District: Industrial (I)  
Proposal: Major Site Plan-Commercial Addition/Variance

Ms. Gfroerer presented the application on behalf of applicant, Jared Kiehl. Applicant, Jared Kiehl, on behalf of Kiehl Construction, is requesting site plan and variance approval to construct a commercial building addition within an identified floodplain.

The addition is 1920 square feet in overall area (40' x 48'). The addition will be utilized as cold storage. The structure is comprised of roof shingles and metal siding to match the existing building.



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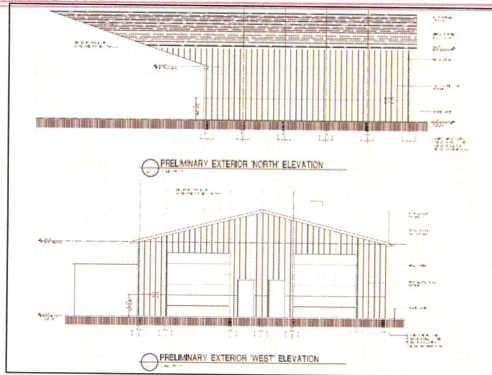
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**ARTICLE 5-SECTION 5.01 D.**  
**DEVELOPMENT STANDARDS**

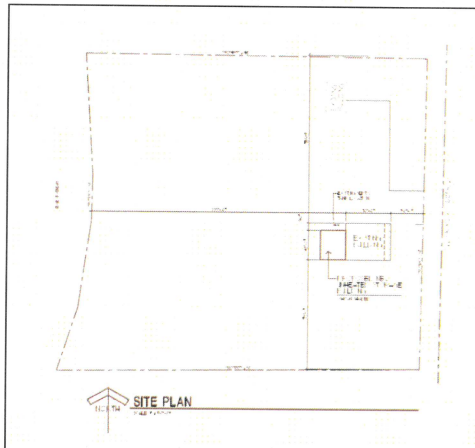
- 25' Minimum Front Yard Setback
  - Proposed Setback-120' from the road right of way (Collier Road)
- 25' Minimum Rear Yard Setback
  - Proposed Setback-399' from the rear yard property line.
- 25' Minimum Side Yard Setback
  - Proposed Setback- North: 287'; South: 179'
- 50' Maximum Building Height: The structure will be consistent in height with the existing structure. The structures do not exceed 50'.



**SUMMIT COUNTY ENGINEERS OFFICE**

*Grading Permit required. No detention is required for this project.*

- A grading permit prior to construction, primarily for purposes of showing the roof drain/down spout locations.



**SUMMIT SOIL & WATER CONSERVATION DISTRICT**

*Floodplain present. A variance will be required as the floodplain is connected to the Riparian.*

**SUMMIT COUNTY FLOODPLAIN ADMINISTRATOR**

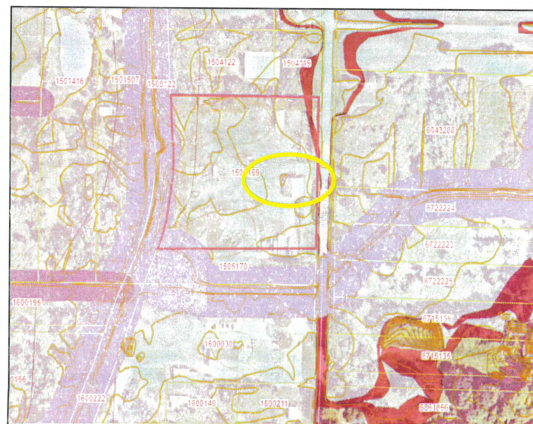
*Permit to construct within the floodplain will be required.*

**VARIANCE REVIEW**

**Per Section 15.07:**

Structures and uses within the Riparian Setback, existing at the time of passage of these regulations (April 12, 2003), that are not permitted under these regulations may be continued but shall not be expanded except as set forth in this title.

- Per the Summit County Fiscal record, the building was constructed in or around 1965



D. Non-residential structure or use expansions will be permitted only through obtaining a variance from the Board of Zoning Appeals.

# RECORD OF PROCEEDINGS

## COPLEY TOWNSHIP BOARD OF ZONING APPEALS

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

January 14, 2026

Held \_\_\_\_\_ 20 \_\_\_\_\_

- Per the Summit County Fiscal record, the existing structure is 3,660 square feet in overall area.
- The proposed addition is 1,920 square feet in overall area. This is a 52% increase in overall area.
- The addition will be placed atop existing impervious surface.

Per Staff Review, a variance for any improvement on this parcel will be required as the entire parcel is encompassed by the floodplain.

Ms. Gfroerer stated that on January 5, 2026, the Architectural Review Board reviewed the applicants Major Site Plan and request for variances. The ARB motioned to approve the plan as submitted pending the required variance.

Mr. Jared Kiehl was in attendance.

**Mr. Call asked for a motion. Mr. Hose motioned to close the Public Hearing. Mr. Nelson seconded. Mr. Call asked for a vote. The motion carried.**

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Russ Hose	X	X		X		
Mike Pritchett	X			X		
Neal Call	X			X		
Naureen Dar	Absent					
Charles Myrick	X			X		
Kyle Nelson (alt.)	X		X	X		
(alt.)						

### DISCUSSION

**Mr. Call asked if this would affect the flow of water.**

Ms. Gfroerer stated that the plan requires approval from the Floodplain Administrator who will be best to evaluate this information. Ms. Gfroerer stated there were no objections from Summit Soil & Water Conservation District.

**Mr. Call asked for a motion. Mr. Nelson motioned to approve the construction of a 40' x 48' addition within the identified floodplain conditioned upon approval from the Summit County Floodplain Administrator. Mr. Hose second. Mr. Call asked for a vote. The motion carried.**

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Russ Hose	X		X	X		
Mike Pritchett	X			X		
Neal Call	X			X		
Naureen Dar	Absent					
Charles Myrick	X			X		
Kyle Nelson (alt.)	X	X		X		
(alt.)						

**Applicant:** Mitchel Weaver  
**Landowner:** David G and Rochele Groudle  
**Property Address:** 4323 Bentley Drive  
**Property Location:** Parcel 1508209  
**Zoning District:** Planned Development District  
**Proposal:** Variance-Swimming Pool Setback  
Section 6.01 CC



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January 14, 2026

Held \_\_\_\_\_ 20 \_\_\_\_\_

**Case# VAR202520**

Ms. Gfroerer presented the application on behalf of applicant, Mitchel Weaver.

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

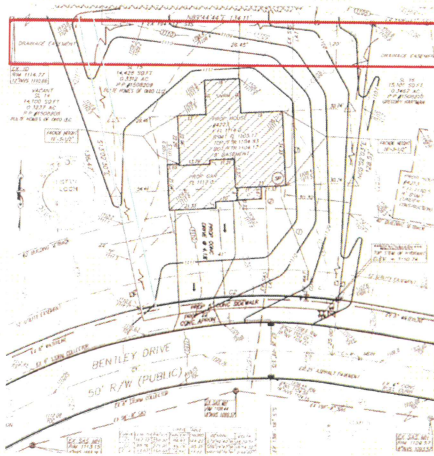
There is an identified swale along the western property line. Applicant is aware of the swale identified on the site plan. Summit County Engineers Office and Copley Township have recommended that no part of the proposed pool or patio impede the swale. Applicant states that the placement of patio and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

**VARIANCE 1**

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

The applicant is seeking a variance to place the pool to side of the dwelling.

*Location of drainage easement limit practical placement to the rear of the dwelling.*

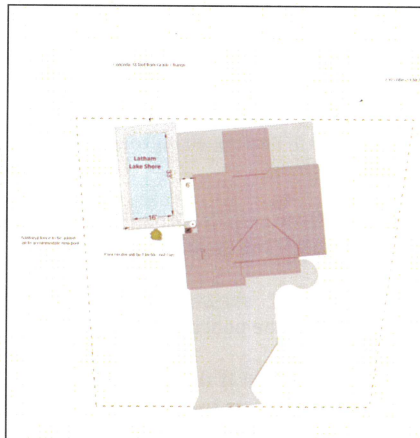


**VARIANCE 2**

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

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

*Due to the irregular shape of the lot, placing the pool forward of the rear of the dwelling will place the pool closer to the western side yard property line.*



**PER THE APPLICANT: REVIEW CRITERIA**

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

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

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Held

20

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

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

**INTERNAL REVIEW**

**VARIANCE STANDARDS (Duncan v. Middlefield)**

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

b) Is the variance substantial?

c) Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment as a result of the variance?

d) Does the variance adversely affect the delivery of governmental services (i.e. water, sewer, garbage)?

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

f) Can the property owner's predicament be obviated through some other method than a variance?

g) Would the spirit and intent behind the zoning requirements be observed and substantial justice done by granting the variance?

Ms. Gfroerer stated that a variance was granted on 4/13/2022 to 506 Redfield Lane for the purpose of placing an inground pool to the side of the dwelling.

Mr. Weaver and Mr. Groudle were in attendance on behalf of the application.

Mr. Weaver showed a video explaining the location of the pool and swale.



**Mr. Call asked if there would be any damage to the swale due to the installation of the pool.** Mr. Weaver said no, they will have more accurate measurements to ensure they are not within the swale and there will be no damage caused.

Mr. Groudle stated that they looked at other locations but the easement prohibits placing the pool where they would like.

**Mr. Call asked if they had considered a smaller pool.** Mr. Groudle stated yes, but this is the size that works best for the size of their family. Mr. Weaver stated that even a smaller pool wouldn't meet the requirement because of the easement.

**Mr. Call asked if the neighbors were notified.** Ms. Gfroerer stated yes and they had received no objections. Mr. Groudle stated they spoke with their neighbors and their neighbors are excited to use the pool.



January 14, 2026

Held \_\_\_\_\_ 20 \_\_\_\_\_

1 Mr. Call asked for a motion. Mr. Pritchett motioned to close the Public Hearing. Mr.  
 2 Nelson seconded. Mr. Call asked for a vote. The motion carried.  
 3

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Russ Hose	X			X		
Mike Pritchett	X	X		X		
Neal Call	X			X		
Naureen Dar	Absent					
Charles Myrick	X			X		
Kyle Nelson (alt.)	X		X	X		
(alt.)						

## DISCUSSION

4  
 5  
 6  
 7 Mr. Call stated a primary difference between this pool request and the other is that  
 8 the other was located next to open space for the subdivision and this property has  
 9 a neighbor.

10  
 11 Mr. Hose stated that it is a unique lot with the shape and the easement. He felt with  
 12 the location of the bend on the curve you would not be able to see the pool.

13  
 14 Mr. Call asked for a motion. Mr. Hose motioned to approve the applicants request  
 15 to place the pool to side of the home and up to 9' from the side yard along the  
 16 western property line. Mr. Pritchett second. Mr. Call asked for a vote. The motion  
 17 carried.  
 18

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Russ Hose	X	X		X		
Mike Pritchett	X		X	X		
Neal Call	X			X		
Naureen Dar	Absent					
Charles Myrick	X			X		
Kyle Nelson (alt.)	X			X		
(alt.)						

19  
 20  
 21 UNFINISHED BUSINESS – There was no unfinished business.

22  
 23 BUSINESS FROM THE FLOOR – There was no business from the floor  
 24

25 The meeting at 7:15 pm by consensus.

26 Mr. Call said the next regular meeting would be held in February.

27 Approved By:



31 Neal Call, Chair  
 32 Board of Zoning Appeals

Submitted By:



Shawna A. Gfroerer  
 Planning & Zoning Inspector

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GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held \_\_\_\_\_ 20 \_\_\_\_\_

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