

COPLEY TOWNSHIP BOARD OF ZONING APPEALS

September 12, 2018

Neal Call convened the Board of Zoning Appeals meeting at 6:00 p.m. Present were Neal Call, Russ Hose, Naureen Dar, Sylvia Chinn-Levy, Charles Myrick and Mike Pritchett. Dave Robinson was absent. Matt Springer, Sue Schultz and Shawna Gfroerer from the Department of Community & Economic Development were present.

Mr. Call called for a review of the minutes.

Ms. Chinn-Levy moved to approve the August 8, 2018 minutes as submitted. Mr. Myrick, second. Mr. Call called for the vote. The motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Neal Call	X			X		
Dave Robinson						
Russ Hose	X			X		
Naureen Dar	X			X		
Sylvia Chinn-Levy	X	X		X		
Mike Pritchett (alt.)	X					
Charles Myrick (alt.)	X		X	X		

NEW BUSINESS

Applicant: Kimberly & Mathew Palmer
Landowner: Kimberly & Mathew Palmer
Property Address: 1261 S. Medina Line Road
Property Location: Parcel: 1507056
Zoning District: R-MD (Residential-Medium Density)
Purpose: Area Variance: Art. 6 §6.01 Y-Attached & Unattached Garage

Mr. Call swore in Ms. Gfroerer prior to the start of the presentation.

Ms. Gfroerer stated that applicant and landowner Kimberly & Mathew Palmer were seeking a variance to place a 24 x 40 (960 square foot) detached garage in front of their main structure (home) as Article 6-General Regulations, Section 6.01 (Y)-Private Garage-Attached or Unattached states that *“No unattached garage shall be located further forward than the closest forward structural corner of the main building”*.

Ms. Gfroerer stated that the property was zoned Residential-Medium Density, it was comprised of 8.40 acres and surround by residential properties in Copley Township to the north, south and east and residential properties in Medina County to the west.

Ms. Gfroerer stated that the proposed detached garage will be placed approximately:

- 800’ off of the main road
- 170’ from the home
- 200’ from the neighboring home
- Buffered by vegetation from the neighboring property

Ms. Gfroerer stated that per that per the applicant, the structure cannot be placed in the rear due to the septic and pool, cannot be placed to the left of house due to power lines & swale that flows to the pond and that the structure will be placed indirectly to the front of the home, hidden and offset to the corner of the lot.

Ms. Gfroerer stated that per the applicant, there will be no affect as the structure cannot be seen by neighbors.

Ms. Gfroerer stated that per the Review Criteria provided below, the Department of Community & Economic Development recommends approval of the requested variance:

COPLEY TOWNSHIP BOARD OF ZONING APPEALS

September 12, 2018

REVIEW CRITERIA

a) Can the property in question yield a reasonable return or can there be a beneficial use of the property without the variance? Yes, the property can still be utilized without impact of the installation of the proposed unattached garage.

b) Is the variance substantial? No, due to the nature of challenges in the rear yard, the variance is not a substantial request.

c) Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment as a result of the variance? No, the unattached garage is in line with the character of the neighborhood as surrounding neighbors have structures of similar type and like.

d) Does the variance adversely affect the delivery of governmental services (i.e. water, sewer, garbage)? Health Approval Obtained. Delivery would not be impacted by the placement of the proposed detached garage.

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

Uncertain.

f) Can the property owner’s predicament be obviated through some other method than a variance? Due to factors affecting the side and rear yards, the request would be suited by placement in the front yard.

g) Would the spirit and intent behind the zoning requirements be observed and substantial justice done by granting the variance? Yes. The property is such that there would be no effect on neighboring properties and would add value to the requesting property.

Mr. Call asked if there was anyone wishing to speak on behalf of the application.

Mr. Call swore in Ms. Kimberly Palmer, 1261 S. Medina Road.

Mr. Call asked Ms. Palmer if she was aware of the zoning restriction prior to purchasing the property. Ms. Palmer stated that they built the home and they were not aware.

Mr. Call asked if the trees in the photo are substantial enough to block the neighbors. Ms. Palmer said yes.

With no additional questions, Mr. Call called for a motion to close the public portion of the hearing for 1261 S. Medina Road. Ms. Dar motioned to close the public portion of the hearing for 1261 S. Medina Road. Mr. Hose second. Mr. Call called for the vote. Motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Neal Call	X			X		
Dave Robinson						
Russ Hose	X		X	X		
Naureen Dar	X	X		X		
Sylvia Chinn-Levy	X			X		
Mike Pritchett (alt.)	X					
Charles Myrick (alt.)	X			X		

Mr. Call asked for Discussion.

Ms. Dar and Mr. Hose stated that they did not see a major issue with the request.

COPLEY TOWNSHIP BOARD OF ZONING APPEALS

September 12, 2018

Mr. Hose stated that building is small for what they are entitled to and there are challenges to the rear of the property.

Mr. Call stated that he questions if having too much stuff a need, but agree that there wouldn't be impact on the street and the neighbors would be protected.

Mr. Hose motioned to approve the placement of the detached garage in front of the main structure. Ms. Chinn-Levy second. Mr. Call called for the vote. Motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Neal Call	X			X		
Dave Robinson						
Russ Hose	X	X		X		
Naureen Dar	X			X		
Sylvia Chinn-Levy	X		X	X		
Mike Pritchett (alt.)	X					
Charles Myrick (alt.)	X			X		

Applicant: Justus Snow, Pastor
Business Name: Crusade Baptist Church
Landowner: Crusade Baptist Church
Property Address: 2982 Copley Road
Property Location: Parcel 1500716
Zoning District: R-MD
(Residential-Medium Density)
Proposal: Variance: Art. 6 §6.01 O-Accessory Building
Area Variance: Art. 7 §7.10 C (1)-Structures 50' from all property lines

Ms. Gfroerer presented an overview of the applicants request for site plan review for the placement of a pavilion and two accessory buildings.

Ms. Gfroerer stated that Pastor Justus Snow on behalf of Crusade Baptist Church is proposing a new 26' x 48' (1,248 square foot) picnic pavilion to be utilized for VBS, youth activities, church picnics and other functions; a new 12' x 28' (336 square foot) accessory building for the storage of church materials; and the applicant has an existing 9' x 12' (108 square foot) accessory building which is to remain on the property for the purpose of storing lawn/maintenance equipment utilized to service the church.

Ms. Gfroerer stated that Crusade Baptist Church consists of 2.23 acres and is located in the Residential-Medium Density District and permitted as a Conditional Use and the applicant will require a variance to place the pavilion and accessory buildings in requested location as they are not 50' from the property line and a second variance for the additional accessory building.

Ms. Gfroerer provided an overview of the pavilion and stated that it would be similar to the pavilions found at the Copley Community Park. Ms. Gfroerer provided the following description of the pavilion: The pavilion will be 26' x 48' for a total of 1,248 square feet and 14' in overall height. It will be comprised of 6' x 6' and 2' x 10' wood beam rafters, OSB roofing and a ridge cap vent. There will be siding on the ends of the roof with aluminum covering. The roof will be supported by 4 structural 6' x 6' posts width wise and 7 structural 6' x 6' posts length wise. The floors will be made of concrete.

Ms. Gfroerer provided setback details for the pavilion and stated that the placement would not impede ingress/egress or parking.

SETBACK LOCATION:

COPLEY TOWNSHIP BOARD OF ZONING APPEALS

September 12, 2018

- 7' from the west side yard line abutting a vacant residential parcel
- 181' from the rear yard (Sunside Drive Edge of Pavement)
- 134' from declared front yard line (Copley Road Edge of Pavement)
- 245' from east side yard line (Crusade Dr.)

VARIANCE REQUIRED: Encroach 43' into the west side yard setback.

Ms. Gfroerer provided an overview of the new requested accessory building stating that the new accessory building will be 12' x 28' (336 square foot) and comprised of 2x4 studs, 3/4 inch flooring, asphalt roof, tan siding with white trim. Ms. Gfroerer stated that a variance would be required for an additional accessory building.

Ms. Gfroerer stated that the existing accessory building is 9' x 12' for a total of 108 square feet.

Ms. Gfroerer provided setback details for the new and existing accessory buildings:

The **NEW ACCESSORY BUILDING** will be located:
7' from the west side yard line abutting a vacant parcel
63' from Sunside Drive Edge of Pavement
288' from Copley Road Edge of Pavement
256' from Crusade Drive Edge of Pavement

VARIANCE REQUIRED: Encroach 43' into the west side yard setback.

The **EXISTING ACCESSORY BUILDING** will be relocated:
7' from the west side yard line abutting a vacant parcel
51' from Sunside Drive Edge of Pavement
316' from Copley Road Edge of Pavement
276' from Crusade Drive Edge of Pavement

VARIANCE REQUIRED: Encroach 43' into the west side yard setback.

Ms. Gfroerer stated that based on the following: there are adequate facilities available to support the proposed structures (the pavilion and accessory buildings have Ohio EPA approval); the proposed structures are compatible to the Land Use Plan and complimentary to the surrounding land; the proposed structures will not impact the neighboring residents; the church is currently utilizing open storage to the side of the existing shed and this will allow them to house all items inside the structure; the proposed structures are compatible to the existing use. Therefore, the Department of Community & Economic Development recommends approval of the Site Plan with consideration to a landscape buffer behind the pavilion and the granting of necessary variances.

Ms. Gfroerer stated that the Architectural Review Board reviewed the request on September 10, 2018 and stated that they have no objections to the three variances requested for a reduction in side yard setback and the variance for an additional maintenance shed.

Ms. Chinn-Levy asked if there were any variances required for the size of the pavilion. Ms. Gfroerer said there were not.

Mr. Call asked if there was anyone wishing to speak on behalf of the application.

Mr. Call swore in applicant, Pastor Justus Snow, Crusade Baptist Church.

Mr. Snow provided a letter from the adjacent property owner and stated that Mr. Leonard Fockler was the property owner adjacent to the proposed project and was supportive of the placement.

Mr. Snow stated that the rear yard of the church is very soggy and doesn't dry which is one of the reasons they have requested to place the structures where they are.

COPLEY TOWNSHIP BOARD OF ZONING APPEALS

September 12, 2018

Mr. Snow stated that the request to place the accessory buildings on the parking lot is to accommodate the wishes of our church members who are elderly and in wheelchairs and they received a donation for this project from an elder of the church.

Mr. Snow stated that they are running out of room to place church supplies and they have received donations for new projects, such as the one where they gave out large balls at Heritage Days, but we have no room to store the items for the new projects.

Mr. Call asked if the two structures will just be on the pavement and if in the future could these be removed. Mr. Snow said, yes, they are on skids and could be removed.

Ms. Chinn-Levy asked if the approval came from Ohio EPA, do did you need Summit County Public Health. Mr. Snow said they needed the Ohio EPA because they were not residential.

Mr. Call asked if they could take down the old accessory building and build one large one. Mr. Snow said they wanted to keep the lawn equipment separate from the church materials and they plan to use similar siding on the old accessory building to match the new one.

With no additional questions, Mr. Call called for a motion to close the public portion of the hearing for 2982 Copley Road. Ms. Dar motioned to close the public portion of the hearing for 2982 Copley Road. Mr. Myrick second. Mr. Call called for the vote. Motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Neal Call	X			X		
Dave Robinson						
Russ Hose	X			X		
Naureen Dar	X	X		X		
Sylvia Chinn-Levy	X			X		
Mike Pritchett (alt.)	X					
Charles Myrick (alt.)	X		X	X		

Mr. Call asked for Discussion.

Mr. Call stated that normally he would ask the applicant to take one down, but understands the needs of the type of materials would want two separate buildings and he also understands the soggy conditions.

Mr. Hose motioned to approve the additional accessory building and the 43' reduction in the west side yard setback for the new accessory building, the existing accessory building and the pavilion. Ms. Dar second. Mr. Call called for the vote. Motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Neal Call	X			X		
Dave Robinson						
Russ Hose	X	X		X		
Naureen Dar	X		X	X		
Sylvia Chinn-Levy	X					X
Mike Pritchett (alt.)	X					
Charles Myrick (alt.)	X			X		

Applicant: Douglas & Kimberly Miller
Landowner: Douglas & Kimberly Miller

COPLEY TOWNSHIP BOARD OF ZONING APPEALS

September 12, 2018

Property Address: 4718 Ridgewood Road
Property Location: Parcel: 1506461
Zoning District: R-MD (Residential-Medium Density)
Purpose: Variance: Art. 6 §6.01 O-Accessory Building

Ms. Gfroerer presented the application for applicant and landowner Douglas & Kimberly Miller and stated that they are seeking a variance to install an oversized accessory building in their rear yard and that the applicant intends to utilize the new accessory building for the storage of personal items and agricultural vehicles.

Ms. Gfroerer stated that the property consists of 2.06 acres, is zoned Residential-Medium Density and is surrounded by properties zoned Residential-Medium Density. Ms. Gfroerer stated that there is an existing accessory building, but it would be removed prior to the placement of the new structure.

Ms. Gfroerer stated that per the Zoning Resolution Article 6 §6.01 O-Accessory Building; the foundation area of an accessory building will not exceed 450 square feet. Ms. Gfroerer stated that the applicant is requesting a variance for an additional 278 square feet for a total of 728 square feet.

Ms. Gfroerer stated that the accessory building will be placed 141' from the west side yard line, 150' from the east side yard line, 231' from the front yard line and 40' from the rear yard line.

Ms. Gfroerer stated that per the applicant, the existing Deed Restriction for the Miller Farm Estates states that no recreational vehicles, boats, trucks, cars or any other vehicle not fitting in a garage shall be permitted beyond a 48 hour period and there would be no effect of the variance on immediate neighborhood/community.

Ms. Gfroerer stated that per the Review Criteria below, the Department of Community & Economic Development would recommend approval of the requested variance.

REVIEW CRITERIA

a) Can the property in question yield a reasonable return or can there be a beneficial use of the property without the variance? Yes, the property can still be utilized without impact without installation of the proposed accessory building.

b) Is the variance substantial? No, the applicant is proposing an additional 278 square feet.

c) Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment as a result of the variance? No, the accessory building is in line with the character of the neighborhood as surrounding neighbors have structures of similar type and like.

d) Does the variance adversely affect the delivery of governmental services (i.e. water, sewer, garbage)? Health Approval Obtained. Delivery would not be impacted by the placement of the proposed detached garage.

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

Uncertain.

f) Can the property owner's predicament be obviated through some other method than a variance? No, due to the size of the personal and agricultural vehicles, the proposed square footage is appropriate.

g) Would the spirit and intent behind the zoning requirements be observed and substantial justice done by granting the variance? Yes. The property is such that there would be no effect on neighboring properties and would add value to the requesting property.

COPLEY TOWNSHIP BOARD OF ZONING APPEALS

September 12, 2018

Mr. Call asked if there was anyone wishing to speak on behalf of the application.

Mr. Call swore in applicant, Doug Miller, 4718 Ridgewood Road and asked if he would like to add anything to the presentation.

Mr. Miller stated that mainly, he needed more room to store equipment and vehicles under roof due to the deed restrictions in his neighborhood which require everything to be out of site.

Mr. Call asked if the restrictions existed when he build the property. Mr. Miller stated that the property was already there prior to the association being formed.

Ms. Chinn-Levy asked what type of agricultural vehicles would be stored. Mr. Miller stated that he has two antique farm tractors.

With no additional questions, Mr. Call called for a motion to close the public portion of the hearing for 4718 Ridgewood Road. Ms. Chinn-Levy motioned to close the public portion of the hearing for 4718 Ridgewood Road. Ms. Dar second. Mr. Call called for the vote. Motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Neal Call	X			X		
Dave Robinson						
Russ Hose	X			X		
Naureen Dar	X		X	X		
Sylvia Chinn-Levy	X	X		X		
Mike Pritchett (alt.)	X					
Charles Myrick (alt.)	X			X		

Mr. Call asked for Discussion.

Mr. Call stated that although it is a large building, it wouldn't be visible from the road and neighbors were informed and have commented in support.

Ms. Chinn-Levy stated that she was concerned of setting a precedent to the code of 450 sq. ft. and where do we draw the line and she understands a need when it is a farmer with a lot of farming equipment, however, the rule was not in place when the building was placed on the property.

Mr. Call said that he believes the Commission has considered the effect on the neighbors, visibility from the road and when law was put in place.

Ms. Dar stated that she would prefer to have the vehicles inside the garage.

Mr. Hose motioned to approve the additional 278' sq. ft. for a total of 728' sq. ft. based on challenges with deed restriction and the fact it is not visible from the road.

Mr. Call requested that the motion include the removal of the current accessory building.

Mr. Hose made an amendment to his motion to include the removal of the current accessory building.

Ms. Dar second. Mr. Call called for the vote. Motion carried.

COPLEY TOWNSHIP BOARD OF ZONING APPEALS

September 12, 2018

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Neal Call	X			X		
Dave Robinson						
Russ Hose	X	X		X		
Naureen Dar	X		X	X		
Sylvia Chinn-Levy	X			X		
Mike Pritchett (alt.)	X					
Charles Myrick (alt.)	X			X		

Applicant: Kevin O'Malia-Mann Parsons Gray Architects, Inc.
Business Name: Omni Property Companies, LLC
Landowner: Omni Heritage Center LLC/OCG Copley Land LLC
Property Address: Heritage Center Drive
Property Location: Parcel(s): 1702655, 1702047, 1702656
Zoning District: Planned Development District (PDD)
Proposal: Conditional Use-Lifecare Facility

Mr. Springer, Director of Community & Economic Development, was present to review the Site Plan for the proposed expansion of the Omni Senior Living Villas.

Mr. Springer stated that the applicant is requesting approval of a conditional use which would develop an additional 5.59 acres of vacant land currently owned by Osborn Capital Group (under contract). The applicant is proposing to construct 35 new independent living villas and a 3,000 sq. ft. community center as part of the Omni Senior Living. Omni has previously obtained approval and is constructing a 153,250 sq. ft. continuum care facility which consists of 81 independent living units, 42 assisted living units, 18 memory care units and 6 independent living villas. The proposed 35 villas would be in addition to the previously approved site plan. The new villas range from 2 to 4 units and would reflect previously approved architectural elements such as masonry/stone veneer, vinyl siding, EIFS, architectural asphalt shingles and standing seam metal accent roofs.



Mr. Springer stated that the proposed expansion is considered “Life-Care” and is therefore subject to conditional use approval from the Board of Zoning Appeals.

Mr. Springer stated that the property came before the Board of Zoning Appeals last year for approval as a Conditional Use in the PDD. Mr. Springer stated that the Conditional Use would only be affected if the use became a nuisance.

Mr. Springer stated that the Department of Community & Economic Development recommends approval of the plan as it is a phenomenal use of land as the land could be utilized for a project with much higher intensity.

Mr. Springer provided an overview of the villas stating they would be at market rate, slab on slab, two units may be walkouts based on the topography elevation, and the units would carry over the same characteristics of the previously approved project including masonry stone, vinyl siding, eifs, and architectural accent shingles.

COPLEY TOWNSHIP BOARD OF ZONING APPEALS

September 12, 2018

Mr. Springer reviewed the layout of the villas ranging in size from 2-4 units per villa. Mr. Springer stated that they would have access to the clubhouse and each unit has access to its own attached, enclosed one or two car garage.

Mr. Springer stated that the applicant conducted a tree survey and has submitted a landscaping plan. Mr. Springer stated that since the project is located in the Planned Development District (PDD), there are landscaping standards separate from the existing Zoning Resolution and the standards found in the Zoning Resolution are not enforceable in the PDD.



Mr. Springer stated that the proposal had been reviewed internally and comments had been received from other departments. Mr. Springer stated that Mr. Biales was receptive to the comments received including the following from the Fire Department:

- Hydrants be looped as opposed to stud
- Max hydrant space of 300 lineal feet
- Emergency lighting in the club house
- Turn radius on the southern portion be enlarged

Mr. Springer stated that the location of mailboxes will need to be addressed by the applicant.

Mr. Springer stated that the project will require a replat and vacation of some right-of-way as the site is located on two different parcels. Mr. Springer stated that the department has no objection, as it is not substantial and would be located where the existing cul-de-sac would be terminated and the new cul-de-sac would begin.

Mr. Springer stated the Department of Community & Economic Development has requested that the area be connected with sidewalks and sidewalks be connected along Heritage Center Drive.

Mr. Springer stated that the fence detail shown in the plan is not being proposed, but instead will be a retaining wall and we request more details about the wall.

Mr. Springer concluded by stating that the department fully supports and endorses this project and recommend approval and the Architectural Review Board gave approval for the project as well.

Mr. Call asked if there was anyone wishing to speak on behalf of the application.

Mr. Call swore in Gary Biales, VP of Development for Omni Senior Living, and asked if he would like to add anything to the presentation.

Mr. Biales stated that when they built they knew they needed more than the 7 existing villas, but the landowner had another buyer in mind for the land and when that didn't work out he approached us to see if we were still interested.

Mr. Biales explained that the facilities they have allow for transitional living where people can go from our villas to the assisted living, but their clients want to start in the villas and when you buy, they pay all utilities, provide services and they know there is a demand.

Mr. Biales stated that the clients in the villas will use the recreational amenities in the main building such as pool, workout, theater and they want people to use all of the amenities because they want this to be a community.

Ms. Chinn-Levy asked how many employees are expected at the facility. Mr. Biales said 55-60, but not at once as they will have shifts and the main shift will be 25-30 people.

COPLEY TOWNSHIP BOARD OF ZONING APPEALS

September 12, 2018

Ms. Dar asked how many parking spaces they have. Mr. Springer said they have 94 parking spaces allocated.

Ms. Chinn-Levy asked if there was a traffic management plan. Mr. Springer said no there isn't and typically they would require it if it were warranted and they didn't require it for the main villas.

Ms. Dar asked if this is something they still need to run by the Engineer Office. Mr. Springer said, yes, they will still have to go through the channels.

Ms. Chinn-Levy stated that we still have to consider the development further up the road and the traffic in the area is already increased and they do not have sidewalks. Mr. Springer stated that while this will not solve that problem, this project will have sidewalks.

Ms. Chinn-Levy asked if there were buffers which will help shield the neighbors. Mr. Biales stated that their land doesn't go to the street, mainly just porches rear-facing and there will additional trees planted as they want to showcase this area.

Mr. Hose asked if there was any thought as to why the access road to the west was not continued around. Mr. Biales said there is a lot of grade and we brought it to where it is due to Fire Departments request.

Mr. Call asked if a conditional use would be affect how a nuisance would be reported. Mr. Springer stated that the reporting would be up to the local residents.

Mr. Call asked if the applicant had trouble filling the villas would they look at other rental opportunities. Mr. Biales said no, their plan is to build them out in phases and not all at once as to avoid this issue.

Mr. Call asked if Mr. Biales was open to the potential suggestions/requirements fire, and the potential for a traffic study if it is deemed necessary. Mr. Springer stated that regardless of what the BZA approves, the applicant still has to go through all of the other jurisdiction standards. Mr. Call asked if this applied to fire. Mr. Springer stated that fire had been addressed through the ARB.

Ms. Chinn-Levy asked if transportation studies were purely one that the engineer makes recommendation on or can the township get involved. Mr. Biales stated that he has worked with many projects which involve traffic studies and the County Engineer will look for a traffic assessment based on the requirements of peak periods of more than 100 cars in the hours of 7-9 am and 4-6 pm in one hour, and their highest peak period from was from 6-7 am and they have about 36 cars.

Ms. Dar asked if consideration has been given for the traffic generated by other properties, such as the Cleveland Clinic. Mr. Biales stated that the institute of traffic uses studies for everything and the county will look at this.

Ms. Chinn-Levy stated that traffic is a concern that can't be looked at in a vacuum and someone higher up should look at the big picture.

Mr. Biales said that there is probably no better use as this type of project, since they create much less traffic than a potential retail use.

With no additional questions, Mr. Call called for a motion close the public portion of the hearing for Omni Senior Living. Mr. Myrick motioned to close the public portion of the hearing for Omni Senior Living. Ms. Dar second. Mr. Call called for the vote. Motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Neal Call	X			X		
Dave Robinson						
Russ Hose	X			X		

COPLEY TOWNSHIP BOARD OF ZONING APPEALS

September 12, 2018

Naureen Dar	X		X	X		
Sylvia Chinn-Levy	X			X		
Mike Pritchett (alt.)	X					
Charles Myrick (alt.)	X	X		X		

Mr. Call called for discussion.

Ms. Dar stated that she understands that this is a better use than other options out there, but maybe they could add a condition to ensure the county looks at the traffic. Ms. Chinn-Levy said maybe, but it sounds like it is up to the engineer to say if it is required, so maybe it could be up to the township to say they want to look at the traffic and she doesn't feel it has anything to do with this request.

Mr. Hose and Mr. Call stated that they are curious about how a traffic study looks at the property and whether it would only look at the road coming onto his property.

Mr. Hose concurred with Mr. Biales that the proposed use isn't going to create a lot of traffic compared to others.

Mr. Call called for the motion. Ms. Chinn-Levy moved to approve the Conditional Use for Parcels 1702655, 1702047, 1702656 as a lifecare facility and adopt the ARB recommendations. Mr. Myrick second. Mr. Call called for the vote. Motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Neal Call	X			X		
Dave Robinson						
Russ Hose	X			X		
Naureen Dar	X			X		
Sylvia Chinn-Levy	X	X		X		
Mike Pritchett (alt.)	X					
Charles Myrick (alt.)	X		X	X		

2860 COPLEY ROAD

Applicant: Joel Frezel, Watkins Lighting
Business Name: Circle K
Landowner: Spirit CK Portfolio IV LLC
Property Address: 2806 Copley Road
Property Location: 1503674
Zoning District: C-GR (Commercial-General Retail)
Proposal: Variance: Art. 8 §8.07

Ms. Gfroerer stated that the applicant, Joel Frezel, Watkins Lighting and Landowner Spirit CK Portfolio IV LLC located at 2806 Copley Road are proposing a sign package to rebrand their location. Ms. Gfroerer reviewed the sign package stating that the proposed sign package includes the replacement of the existing pole sign to a ground sign 8' in overall height and 40 square feet, the replacement of old Circle K sign cabinet above entry door with new Circle K wall sign, replace old Circle K faces on the tower section of the building with new Circle K faces, power wash and paint building and bollards in front of building red, installation of non-illuminated ACM, back-lit panel signs with illuminated letters on the gas canopy and paint the support grey & white and the bollards grey. They will install fuel dispenser decals and pump skins.

Ms. Gfroerer stated that the applicant will require variances for the request of two (2) signs on the gas canopy.

COPLEY TOWNSHIP BOARD OF ZONING APPEALS

September 12, 2018

Ms. Gfroerer presented an overview of each sign requested.

POLE SIGN-REPLACE WITH GROUND SIGN

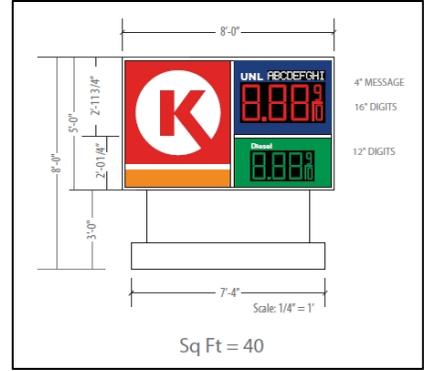
Section 8.07-D; Table 2-Permanent Ground Signs

The existing pole sign will be removed and replaced with a ground sign.

PERMITTED: 8' in OAH; 40 Square Feet Area

PROPOSED: 8' in OAH; 40 Square Feet Area

The sign will be comprised of back-lit pan formed panels, LED price digits and internally illuminated LED.



RECOMMENDATION: APPROVAL with condition of brick foundation compatible with existing building brick.

AWING SIGN

PERMITTED: Section 8.07-A; Table 1

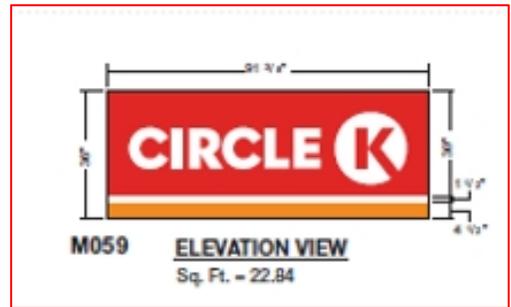
*The applicant is permitted 105 square feet based on a building frontage of 70' for both building sign 1 and the awning sign. The combined total requested is 30.4.

EXISTING: 7.56 square feet

PROPOSED: 22.84 square feet

The sign will be an internally illuminated box sign.

RECOMMENDATION: APPROVAL



BUILDING SIGNS

PERMITTED: Section 8.07-A; Table 1 & Section 8.07-B (3)

*The applicant is permitted 105 square feet based on a building frontage of 70' for both building sign 1 and the awning sign. The combined total requested is 30.4 square feet.

Building Sign 1-REFACE

EXISTING: 7.56 square feet

PROPOSED: 7.56 square feet

Building Sign 2-REFACE

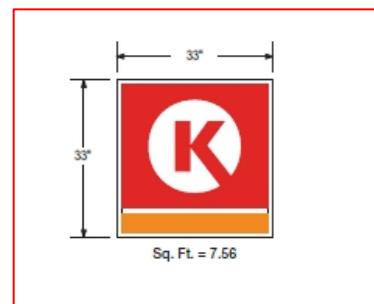
Buildings on a corner lot are permitted a secondary building sign at 60% of the primary building sign for a total permitted 63 sq. ft.

EXISTING: 7.56 square feet

PROPOSED: 7.56 square feet

The signs will be refaced with a new cabinet panel and internally illuminated.

RECOMMENDATION: APPROVAL



COPLEY TOWNSHIP BOARD OF ZONING APPEALS

September 12, 2018

GAS CANOPY SIGNS

The applicant is requesting two (2) signs to be located on the gas canopy. The applicant proposes to remove the existing Circle K signs and replace with new Circle K signs on the gas canopy.



EXISTING: 9 square feet

PROPOSED: 64 square feet

The sign will consist of internally illuminated acrylic letters and an internally illuminated box sign. The canopy will have a non-illuminated fascia band.

Ms. Gfroerer stated that the gas canopy signs are not currently addressed in the Zoning Resolution and the department recommends the signs be considered as they are already currently existing and they do not want to penalize the applicant, however, they do not wish to increase the size of the non-conformity.

VARIANCE REQUIRED: A variance is required for two gas canopy signs at 64 sq. ft. each and for the placement of signs on the gas canopy not currently addressed in the Zoning Resolution.

RECOMMENDATION: Reface and keep at existing square footage. The oversized signs are not essential due to the prime corner location of the gas station.

GAS PUMP/AIR PUMP DECALS

The applicant is requesting to reface gas pump dispensers and accessory items including an air pump.

Gas Pump: .97 square foot

Air Pump: 1.1 square foot

RECOMMENDATION: APPROVAL

Ms. Gfroerer stated that the Architectural Review had reviewed and approved the sign package and that they had approved the ground sign with the addition of brick on the base, awning sign, building signs, gas pump/air pump decals and requested an additional 30 days from the Board of Zoning Appeals to consider the placement of the gas canopy signs.

1456 S. CLEVELAND-MASSILLON ROAD

- Applicant:** Joel Frezel, Watkins Lighting
- Business Name:** Circle K
- Landowner:** MACS Convenience Stores LLC
- Property Address:** 1456 S. Cleveland-Massillon Road
- Property Location:** 1502897
- Zoning District:** C-GR (Commercial-General Retail)
- Proposal:** Variance: Art. 8 §8.07

Ms. Gfroerer stated that applicant, Joel Frezel, Watkins Lighting and Landowner MACS Convenience Stores LLC located at 1456 S. Cleveland-Massillon Road are proposing a sign package to rebrand their location.

The package includes the following:

BUILDING: Replace existing pole sign to a ground sign 8' in overall height and 40 square feet, replacement of old Circle K sign cabinet above entry door with new Circle K wall sign, remediate building prior to install of signs, replace trash cans, paint bollards, pressure wash painted surfaces.

COPLEY TOWNSHIP BOARD OF ZONING APPEALS

September 12, 2018

LIGHT POLES/CANOPY: Paint existing light poles shell warm white, replace gas canopy signs and repair canopy where needed, install tri color non-illuminated ACM on canopy, install two new illuminated Circle K channel letter signs.

MISC: Replace fuel & pump dispenser decals and paint columns under canopy.

The applicant will require variances for the request of two (2) additional building signs.

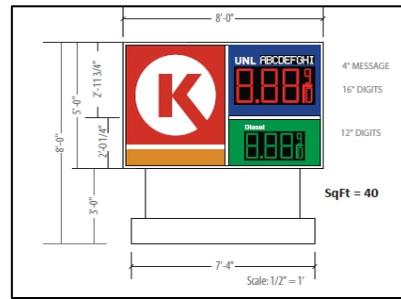
Ms. Gfroerer presented an overview of each sign requested.

POLE SIGN-REPLACED WITH GROUND SIGN

Section 8.07-D; Table 2-Permanent Ground Signs

The existing pole sign is 25' in overall height and 71.75 square feet. The proposed ground sign will be 40 sq. ft. and 8' in overall height and 10' from road right of way.

The sign will be internally illuminated LED.



RECOMMENDATION: Approval with the following conditions- consider alternative location for sign and add brick foundation compatible with existing building brick.

AWNING SIGN

PERMITTED: Section 8.07-A; Table 1-Permanent Signs Attached to Buildings

* The applicant is permitted 115 square feet based on a building frontage of 78' for both building sign and the awning sign. The combined total requested is 45.5 sq. ft.



EXISTING: 16.67 square feet

PROPOSED: 22.75 square feet

RECOMMENDATION: APPROVAL

BUILDING SIGN

PERMITTED:

Section 8.07-A; Table 1-Permanent Signs Attached to Buildings

* The applicant is permitted 115 square feet based on a building frontage of 78' for both building sign 1 and the awning sign. The combined total requested is 45.5.



Building Sign: The applicant is permitted 115 square feet based on a building frontage of 78'.

EXISTING: 25.84 square feet

PROPOSED: 22.75 square feet

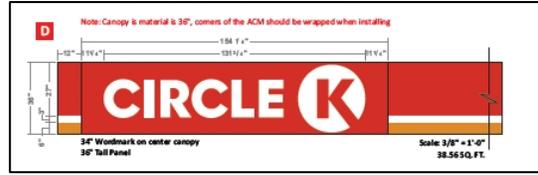
RECOMMENDATION: APPROVAL

COPLEY TOWNSHIP BOARD OF ZONING APPEALS

September 12, 2018

GAS CANOPY SIGN

The applicant is requesting two (2) additional signs to be located on the gas canopy. The applicant proposes to remove the existing Circle K signs and replace with new Circle K signs on the gas canopy.



EXISTING: 9 square feet
PROPOSED: 38.56 square feet

Internally & externally illuminated.

Ms. Gfroerer stated that the gas canopy signs are not currently addressed in the Zoning Resolution and the department recommends the signs be considered as they are already currently existing and they do not want to penalize the applicant, however, they do not wish to increase the size of the non-conformity.

VARIANCE REQUIRED: A variance is required for two gas canopy signs at 38.56 sq. ft. each. and for the placement of signs on the gas canopy not currently addressed in the Zoning Resolution.

RECOMMENDATION: Reface and keep at existing square footage. The oversized signs are not essential due to the prime corner location of the gas station.

GAS PUMP/AIR PUMP

The applicant is requesting to reface gas pump dispensers and accessory items including an air pump.

Gas Pump: 1.94 square feet

Air Pump: 1.1 square feet

RECOMMENDATION: APPROVAL

Ms. Gfroerer stated that the Architectural Review had reviewed and approved the sign package and that they had approved the ground sign with the addition of brick on the base awning sign, building signs, gas pump/air pump decals and requested an additional 30 days from the Board of Zoning Appeals to consider the placement of the gas canopy signs.

Mr. Call asked if there was anyone wishing to speak on behalf of the application.

Mr. Call swore in Major Harrison, from Major Source. Mr. Harrison stated that he was filling in on behalf of Mr. Frezel as they are working in conjunction with the applicant.

Mr. Harrison stated that during the ARB Meeting, there was reference to the gas canopy signs being considered for different types of variance or non-variances and that the applicant currently has three (3) box Circle K signs on the existing canopy on each outer elevation, which they think range in size from 12-15 sq. ft. and they are proposing to remove the 3 existing signs and replace with two (2) at somewhere around 9-15 sq. ft.

Mr. Harrison stated that per the Zoning Resolution, Section 8.03 C you are permitted to take a measurement of individual elements, the K would be above the word circle & letters, when you are looking at this you are looking at a sign which is 64 sq. ft. in total, but it would actually be an imbedded box in the canopy and the Circle K text will only illuminate that is approximately 22 sq. ft. instead of 64 for the whole box.

Mr. Harrison thought that the ARB was very helpful and if this particular use is not in the zoning resolution and the ARB was open to taking the new K and replacing it at the current

COPLEY TOWNSHIP BOARD OF ZONING APPEALS

September 12, 2018

square footage, then this new square footage would be closer to what is existing and may assist in making the request permitted.

Mr. Harrison stated that they understand we are close to neighbors, but we need to understand that this a gas station and we believe it meets with the character of the neighborhood and we do not believe it is deterrent to the neighborhood as it already exists.

Ms. Gfroerer stated that the renderings proposed by the applicant were different for each location and that the Jacoby Road location shows the entire box sign illuminated.

Mr. Call motioned to table the application until the next BZA meeting to Oct. 10 at the request of the Architectural Review Board. Ms. Chinn-Levy second. Mr. Call called for the vote. Motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Neal Call	X	X		X		
Dave Robinson						
Russ Hose	X			X		
Naureen Dar	X			X		
Sylvia Chinn-Levy	X		X	X		
Mike Pritchett (alt.)	X					
Charles Myrick (alt.)	X			X		

Mr. Call suggested that possibly the Zoning Commission could weigh in on this as there may be some clarification needed in the Zoning Resolution.

Ms. Gfroerer stated that Mr. Harrison, on behalf of the applicant, requested to table the application to the next meeting.

Mr. Call motioned to table the application until the next BZA meeting to Oct. 10 at the request of the applicant. Ms. Chinn-Levy second. Mr. Call called for the vote. Motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Neal Call	X	X		X		
Dave Robinson						
Russ Hose	X			X		
Naureen Dar	X			X		
Sylvia Chinn-Levy	X		X	X		
Mike Pritchett (alt.)	X					
Charles Myrick (alt.)	X			X		

OLD BUSINESS

Applicant: Patrick Studards
Landowner: Weathermark Home Improvement LLC
Property Location: 1835 Knox Blvd
Zoning District: R-O/C (Residential-Open Space Conservation)
Purpose: Property Maintenance Code Appeal
 7.02 Condemnation-Unsafe Structure
 7.04 Condemnation-Closing of Vacant Structure

COPLEY TOWNSHIP BOARD OF ZONING APPEALS

September 12, 2018

Ms. Gfroerer stated that Mr. Newman, Code Enforcement Officer, would present the application for Mr. Studards as continued business.

Mr. Call swore in Mr. Newman.

Mr. Newman reviewed the state of the property from the initial violation in 2017 to where the property stands today. Mr. Newman provided photos showing description of photos, including photos of the Wolf Creek rising after heavy rain and photos showing existing conditions with partial roof complete, missing windows, remaining junk on the property including the tractor, tires, small piles and boat pieces.

Mr. Newman stated that the next photos show that as of today, Mr. Studards was working on the property.

Mr. Newman stated that sometime in August, he and two others from the Summit County Mosquito Abatement Program were able to remove 26-28 large tires from Mr. Studards property.

Mr. Call thanked Mr. Newman and asked if Mr. Studards was available to speak.

Mr. Call swore in Mr. Studards, Patrick Studards, 1835 Knox Boulevard.

Mr. Studards stated that one of the issues with the repairs was determining if they could get the Health Department to issue a permit if there was to be a new septic and health came out and did a soil assessment and provided a letter for his property.

Mr. Studards stated that he was trying to remove the tractor and had someone who was trying to get it out, but couldn't remove it today.

Mr. Call asked Mr. Studards if he had removed any other tires besides the ones removed by Jeff. Mr. Studards said maybe another dozen or so had been removed.

Mr. Studards said he definitely underestimated his ability to get this done within 30 days and with the rain, he shouldn't have pushed it so close.

Mr. Hose said that when he was there in June, he said he would get the windows, doors and roof complete and asked why he hadn't done so. Mr. Studards said again, he definitely underestimated ability with the timing, but that he has everything there onsite to get the job done and that he has replaced some rafters and vertical bracing.

Mr. Call asked if more improvements had been done since Mr. Newman had taken the photos today at 3:30.

Ms. Dar asked how do they decide what is not on his property versus what might not be his. Mr. Newman said that he walked the property with Mr. Studards initially and Mr. Studards showed him what was on his property. Mr. Studards said that there is a lot of property in the rear with tires and piles remaining and these are not visible and may not be his.

Mr. Hose asked how many windows were installed since Jeff was there at 3:30. Mr. Studards said maybe 4-5, with maybe 3 windows remaining and that there are guys out there working right now and they are maybe 1 day from being done.

Mr. Call asked why he would wait so long to get the work done. Mr. Studards said he had jobs he had to complete for his business, but that now, he is not accepting any new jobs and will be out there everyday to get this done and he is going to get everything out and cleaned no matter what.

Mr. Call asked if the items in the yard were gone. Mr. Studards said that cut up boat was in the dumpster now and the tractor is still there, but a guy is going to take it away.

Mr. Call said that Mr. Studards stated he had most of the roof complete, some of the windows, some of the doors installed, some tires have been removed but more remain and does Mr. Studards feel that he had done what was asked of him since the last meeting.

COPLEY TOWNSHIP BOARD OF ZONING APPEALS

September 12, 2018

Mr. Studards said no, and that the job was overwhelming and he underestimated his ability to get it complete in the time period discussed.

With no additional questions, Mr. Call called for a motion to close the public portion of the hearing for 1835 Knox Blvd. Mr. Myrick motioned to close the public portion of the hearing for 1835 Knox Blvd. Ms. Dar second. Mr. Call called for the vote. Motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Neal Call	X			X		
Dave Robinson						
Russ Hose	X			X		
Naureen Dar	X		X	X		
Sylvia Chinn-Levy	X			X		
Mike Pritchett (alt.)	X					
Charles Myrick (alt.)	X	X		X		

Mr. Call called for discussion.

Mr. Myrick said the big question is has there been enough improvement and have the things that were stated to be done have they been done as Mr. Studards has been given the timetable to accomplish things and they were not accomplished and now where do they go.

Mr. Call stated that they can approve to give more time, deny and then appeal again, and he feels bad that he has put more time and money into this.

Ms. Chinn-Levy said that it seems he has made an attempt, he has contacted health however, she is not comfortable that he did all of this in such a short period of time as when you have a challenge and you know you can run into challenge, it is better to do things earlier rather than run into issues.

Mr. Hose stated that as far as he is concerned he missed the deadline.

Mr. Myrick said the deadline has not been met, but there has been a big effort made, but with the "clock in the fourth quarter" and you have had other quarters to get the job done, so to give more time will be looking at the fourth quarter again.

Ms. Dar was concerned that more work would come in for Mr. Studards and he would fall short again.

Ms. Chinn-Levy stated that this is somewhat different from other situations where some progress has been made, did we meet the deadline no and if the deadline were extended, there would need to be evidence prior to the meeting with progress shown before the meeting.

Mr. Myrick asked Ms. Chinn-Levy if she were suggesting to ask for a timeline showing work per week rather than waiting until the next meeting.

Ms. Chinn-Levy said we would want to see photos, a timeline of when the work will be completed and followed up on prior to the meeting, however, the other thing is, is the township OK with having to go out and see if things are being done. Mr. Newman said that since he has been involved with Mr. Studards, he hasn't done much, as the property hasn't been secured, the structure is very aged, the floor is uneven, and when he was there at 3:30, there was a second boat on the property, the front loader was there today, and to be honest, he is disappointed and afraid it will continue.

COPLEY TOWNSHIP BOARD OF ZONING APPEALS

September 12, 2018

Mr. Call made a motion to deny extending an appeal. Mr. Call called for a second. There was no second.

Mr. Call withdrew his motion.

Mr. Call asked if there was a different motion.

Mr. Call asked if they could put conditions and require improvements prior to the next meeting.

Ms. Gfroerer stated they could upload materials to the meeting link online showing the photos prior to the meeting.

Mr. Hose asked if they could have another meeting to deny/approve the progress based of the photos shown prior to the next meeting.

Mr. Springer stated they could, but they would have to give notification and legal advertisement and therefore it would probably be worth waiting to the next regularly scheduled meeting.

Ms. Chinn-Levy asked about the process of moving this to court of common pleas, are there fees and how long does it take. Mr. Newman said yes, there are filing fees and it could take 3-4 months.

Mr. Hose asked who makes the final call. Mr. Newman said that in his experience, the judge would make the ruling based on the BZA evidence.

Ms. Chinn-Levy asked what would happen if the judge denies it again. Mr. Newman said he could go to the higher court.

Ms. Chinn-Levy motioned to hear this again next month with deadlines set here today and requirement of photographic evidence.

Mr. Call asked Ms. Chinn-Levy to include the schedule in her motion.

Ms. Chinn-Levy motioned to continue the hearing to October 10, with the following conditions: Mr. Studards would have three weeks to complete the roof, windows, doors, missing siding, completely secure structure with functional locks, not faulty door locks, boats gone, loader gone, removal of tires shown by receipt and photographic evidence provided on October 3 no later than 4:00 pm, which would show all sides of the roof, all sides of windows and doors, removal of pieces of boat gone, new beige boat gone, and have building sign off on permit, yard clean-up and receipts for all other improvements. Mr. Myrick second.

Mr. Call stated that he would make an immediate denial of appeal if the photographic evidence is not provided.

Mr. Myrick stated that the Board has taken every effort for consideration and they have proven that they do not want to cause any more undue hardship.

Mr. Call called for the vote. Motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Neal Call	X			X		
Dave Robinson						
Russ Hose	X				X	
Naureen Dar	X			X		
Sylvia Chinn-Levy	X	X		X		
Mike Pritchett (alt.)	X					

COPLEY TOWNSHIP BOARD OF ZONING APPEALS

September 12, 2018

Charles Myrick (alt.)	X		X	X		
-----------------------	---	--	---	---	--	--

BUSINESS FROM THE DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT

Ms. Gfroerer highlighted large and small to mid-scale commercial and residential “Projects On the Move” ongoing in the Township. Ms. Gfroerer stated that Omni Senior Living was in the process of requesting an expansion to their current project in Heritage Center and Dan’s Wholesale Carpet was in the process of submitting plans to expand the current footprint of their building. Ms. Gfroerer highlighted the Zoning Commissions work on the Land Use Plan and provided an update on the Betula Home Build and encouraged the Board to get involved in one of the upcoming work days.

Ms. Gfroerer concluded her report with the August Activity Update stating that we have processed 21 permits resulting in over \$2.7 million dollars in new investment. With no further questions, Ms. Gfroerer concluded her report.

Mr. Call asked if there was any Business From The Floor. There was no business from floor.

With no further business to come before the board, the meeting was adjourned at 8:43.

Approved By:

Submitted By:

Neal Call, Chair
Board of Zoning Appeals

Shawna Gfroerer
Community & Economic Development