

BOARD of ZONING APPEALS
MINUTES of MEETING
March 21, 2017
4:30 p.m.

Attendance: Tom Moushey, Mike Aeling, Arnie Hirvela, Eddie Williams, Zoning Inspector Bill Hawley, Asst. Law Director William Morris, and Secretary Theresa DeUnger.

1. **Minutes from the February 21, 2017 meeting:**

Hirvela made motion to approve minutes. Williams 2nd the motion; unanimously approved. Moushey read the Board of Zoning Appeals procedures including the appellant recourse.

2. **Harry Liu – 2048 S. Arch Ave. – Appeal #17-001**– Appeal to allow more than two non-related persons to occupy a single family dwelling, located in an R-1 zone. Tabled at the February 21, 2017 meeting.

Bill Hawley, 504 E Main St, was sworn in. This appeal is for a single family residence at 2048 S. Arch Ave. There are 5 unrelated persons living in the single family home. The owner is appealing to allow the 5 unrelated persons to continue living in the home.

Harry Liu, 1581 E. Haymarket Way Hudson, Oh 44236 was sworn in. Liu purchased the property in 2013 for a rental property. Originally, there were 4 tenants but later a 5th tenant moved in without Liu's permission. He explained the home has a big attic and 4 bathrooms. The current students/tenants are moving out at the end of the semester. In the future he would like to have 3 unrelated tenants living there at one time.

Hirvela made the motion to deny the appeal to allow more than 2 non-related persons to occupy a single family dwelling, located in an R-1 zone. Aeling 2nd the motion. Unanimously agreed to deny the appeal.

3. **Schott Feed & Supply and GBC Design, Inc. – 715 E. Patterson St. – Appeal # 17-005 – 24'** front yard setback variance for an office/warehouse, located in an I-2 zone.

Hawley explained this appeal is for a new building at Schott's Feed due to a fire and demolition of the old building. It meets all zoning other than it's in an I-2 zone and a 30' front setback is required. This building will only have a 6' setback from the front lot line. A 24' setback variance is being requested.

John Elsey, GBC Design, 565 White Pond, Akron, OH was sworn in. Elsey presented an aerial view of the property to show where the pre-existing building was and where the new building will be located. The new building will be a single story building with no basement that will fit where the previous building was located. It will not be as wide or as long as the previous building. If the variance is not granted, the existing scales and drive entrances would have to be relocated.

Moushey pointed out this lot has a very odd shape due to the railroad tracks and the viaduct. Elsey agreed and they would like to keep the location of the building the same due to the location of the feed bins and the railroad.

Williams made the motion to grant the 24' front yard setback variance for an office/warehouse, located in an I-2 zone. Aeling 2nd the motion. Unanimously approved.

4. **Andrew Koehn – 1686 S. Union Ave. – Appeal #17-006** – Variance for one parking space for a coffee shop, located in a B-3 zone.

Hawley explained 1686 S. Union Ave was a flower shop and has not been vacant for a year so no site plan is required. The proposed coffee shop will have 600 sq. ft. of public area which would require 6 parking spots. The variance is for 1 parking spot as there is only space for 5 parking spots. Hawley stated there is no stipulation for the number of employees.

Andrew Koehn 25842 Georgetown Rd., Homeworth Oh, was sworn in. Koehn would like to open a coffee shop and the location does not have room for 6 parking spaces in the front. He feels the majority of the customers would be walking since they are across the street from UMU. Located in back of the building are 4 parking spaces for the employees.

John Admonius, 977 Oakwood Dr., was sworn in. Admonius explained how the parking in back will accommodate the employees.

Hirvela made a motion to approve the variance for 1 parking space. Aeling 2nd the motion. Unanimously approved.

5. **Miracle Ear and Akers Identity, LLC – 851 W. State St. – Appeal #17-007** – 4 SF size variance for a ground sign, located in a B-2 zone

Hawley stated the appeal is for an addition to a ground sign. The length of the building is 48'. This would allow for a 24 sq. ft. ground sign. The proposed size is 28 sq. ft. with a request for a 4' variance. The existing sign is 64x42.

Michelle Miller, 1670 Salway Ave. SW., North Canton, representing Aker's signs, was sworn in. Miller explained Nationwide is currently a tenant and their portion of the sign has taken up most of the sign area. When adding Miracle Ear's sign the total square footage is over by 4'. Therefore, Miller is requesting a 4' variance. The current sign is 18.6 sq. ft. She verified that an additional 9.33 sq. ft. would be added to the sign.

Moushey asked Miller why they need the extra 4 ft. Miller explained Nationwide was their first tenant and they have a changeable sign at the bottom. Nationwide is using 18.6 square feet and the new tenant needs sufficient space.

Aeling wondered what would happen if the landlord decided to split the area of the sign again to add more tenants. Miller doesn't feel there will be enough space in the building to divide the area any further.

The visibility and height are not a problem.

Aeling made the motion to grant the 4' variance with the total sign being 28'. Hirvela 2nd the motion. Unanimously approved.

6. **Grisez Brothers Properties, LP, Tom Grisez – Out Lot #607 on the south west corner of Brayton Ave. and E. State St. – Appeal #17-008** –Variances to waive requirement of curb and gutter along drives, from installing concrete sidewalks along streets and to waive the market study requirement, 1162.09 (b), (c) and (g), for a multi- family development, located in a B-2 zone.

Hawley explained the appeal is for a multiple family development. There will be 5 buildings on the site. Code section 1162.09 (b), (c), and (g) requires curbs and gutters along the drive, sidewalks along the streets, and a market study.

Moushey questioned why this is appeal is before the zoning board. This appeal is possibly not in the zoning board’s jurisdiction and should be turned over to the Planning Commission.

Mike Hettler, 1225 N. Main St.,North Canton, OH representing Grisez Brothers, was sworn in. Hettler explained he was previously before the planning commission with the original site plans regarding 4 multi-family units and 2 storage units. The multi-family units were tabled at the meeting for conditional use and the storage units were denied for conditional use. Hettler revised the site plans to show 5 multi-family units (apartments), holding 8 apartments each. There are 3 items on the site plan that do not meet code requirements of 1162.09. Hawley had instructed Hettler that the zoning board would address these 3 items. Hettler said the zoning board approved a variance for a sidewalk for the property across the street, but the planning commission overturned the decision.

Hettler went on to explain the sidewalks are provided to all building entrances, along the parking area, access from building 2 to the street to Brayton Ave. and to the east side of Brayton Ave. There is also a walking path from building 4 over to the recreation area.

Moushey stated the zoning board still needs to decide if they have the authority to consider this appeal. Morris explained variances that the zoning board can grant under the Code. Moushey agreed that the variances requested are not within the zoning board’s jurisdiction. Moushey stated he will need to submit this appeal to planning commission. Hettler would like clear guidance so he can tell his client how to continue with the site plans in regards to the sidewalks.

Hirvela made the motion to deny the appeal because the board of zoning appeals does not have jurisdiction to consider this appeal. Planning Commission has jurisdiction for this appeal. Aeling 2nd the motion. Unanimously approved.

7. **Other Business:**

Judge Hartnett made a decision on March 7, 2017 approving the Lamar billboard appeal. Bill Morris has a conference with the judge concerning the decision on Monday, March 27th.

Williams made the motion to adjourn. Hirvela 2nd the motion. Meeting adjourned at 5:52pm