



**Summit County Planning Commission (SCPC)**  
Thursday, April 28, 2022 - 3:00 p.m.  
County of Summit, County Council Chambers  
175 South Main Street, 7<sup>th</sup> Floor, Akron, Ohio  
**Meeting Agenda**

- |    |  |                       |
|----|--|-----------------------|
| A. | Call to Order                                | <b>Chair Mavrides</b> |
| B. | Roll Call                                    | <b>Tubbs</b>          |
| C. | Approval of the March 31, 2022, SCPC Minutes | <b>Chair Mavrides</b> |
| D. | Business Items                               | <b>Knittel</b>        |

**Old Business**

**Item # 1 - Riparian Variance – 3649 W. Galloway Dr – Richfield township** – A variance from the Riparian Ordinance to allow for the construction of a home pool.

**Item # 2 - Rezoning – Springfield Township** – From O-R to I-1 this will allow for offices or research facilities in the I-1 district. The change will eliminate the need for variances for the existing businesses as they expand. This will allow the Zoning Department to require more stringent enforcement of screening and landscaping requirements.

**New Business**

- Item # 1 - Pamer Estate – Lot Split and Variance – Coventry Township**
  - Frontage Variance – Coventry Township** – Applicant is requesting a variance from Subdivision Regulation 1105.05 (e) Access to Public Streets “Unless otherwise permitted herein, the subdividing of land whether as a Major or Minor Subdivisions, shall provide each lot with a minimum of thirty (30) feet of continuous frontage on a dedicated Street. Access to public streets shall comply with the Access Management Manual.” The applicant is proposing to split a parcel into three parcels, with two parcels having no frontage on a dedicated street.
  - Lot Split – Coventry Township** – The Applicant is requesting to split parcel 1909349 into three lots, 2.85 acres, 2.48 acres and 1.94 acres.
- Item # 2 – Heritage Centre Replat – Copley Township** – Creating Sublot A-R3 (2.3716 acres) and A-R4 (1.1632 acres) from Sublot A-R2.
- Item # 3 – Map Amendment – Heritage Centre - Copley Township** - Rezone 2.3716 Acres of Parcel 1702658 Land Area: 3.53 Acres Current Zoning: PDD-Business/Office/Community, Regional, Convenience Retail, Personal Services Proposed Zoning: PDD-Residential High Density 22 Units Per Acres

4. **Item # 4 – Text Amendment – Northfield Center Township** – Performance Bonds Chapter 530 – Proposal to add new definition of Performance Bond, and to add language to Chapter 530 “Board of Zoning Appeals” about Performance Bonds.
  
5. **Item # 5 – Text Amendment – Northfield Center Township** – Chapter 351 Business-Residential District – Proposal to add new chapter, Chapter 351 Business-Residential District, to the Northfield Center Township Zoning Resolution. To provide a Business-Residential District (B-R) that allows professional, administrative, and executive offices that are compatible with residential uses, and which serve as transitional areas between more intensive land uses such as major thoroughfares and/or commercial districts, and less intensive uses such as single-family residential developments.
  
6. **Item # 6 – Text Amendment – Twinsburg Township** – Chapter 12 Interchange Mixed Use District- proposal to add certain single family residential uses as permitted uses in the Interchange Mixed Use (IMU) District.

- |    |                                  |                       |
|----|----------------------------------|-----------------------|
| E. | Report from Assistant Director   | <b>Tubbs</b>          |
| F. | Comments from Public             | <b>Chair Mavrides</b> |
| G. | Comments from Commission Members | <b>Chair Mavrides</b> |
| H. | Other                            |                       |
|    | 1. Legal Update                  | <b>Matz</b>           |
| I. | Adjournment                      | <b>Chair Mavrides</b> |



**Summit County Planning Commission (SCPC)**  
 Thursday, March 31, 2022 - 3:00 p.m.  
 County of Summit, County Council Chambers  
 175 South Main Street, 7<sup>th</sup> Floor, Akron, Ohio  
**Meeting Agenda**

A. Call to Order

**Chair Mavrides**

*Allen Mavrides* called the meeting to order on *Thursday, March 31, 2022 at 3:00 pm* in the County of Summit Council Chambers, 175 South Main Street, 7<sup>th</sup> Floor, Akron Ohio 44308. A roll call was conducted by *Dennis Tubbs* the attending members constituted a quorum.

B. Roll Call

SCPC Member	Present
Beckham, George	X
Feeman, Jerry	
Kline, David	
Mavrides, Allen	X
Reville, Rich	X
Segedy, Jason	X
Snell, Jeff	X
Stoiber, Dennis	X
Terry, Robert	X
<i>Open Seat</i>	
<i>Open Seat</i>	

C. Approval of the February 24, 2021 SCPC Minutes

Chair Mavrides

SCPC Member	Motion	Second	Yea	Nay	Abstain
Beckham, George			X		
Feeman, Jerry					
Kline, David					
Mavrides, Allen			X		
Reville, Rich			X		
Segedy, Jason		X	X		
Snell, Jeff			X		
Stoiber, Dennis	X		X		
Terry, Robert			X		
<i>Open Seat</i>					
<i>Open Seat</i>					

**Motion**

*Dennis Stoiber* made a motion to approve the February 24, 2021 SCPC meeting minutes and it was seconded by *Jason Segedy* the motion passed with no abstentions.

D. Business Items

Knittel

**Old Business**

None

**New Business**

**\*\*The agenda was modified to have Item 2 heard before Item 1**

**Item # 2 – Meadows of Wintergreen Ph 4 – Variance Request – Springfield Township**

SCPC Action:

<b>SCPC Member</b>	<b>Motion</b>	<b>Second</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>
Beckham, George			X		
Feeman, Jerry					
Kline, David					
Mavrides, Allen			X		
Reville, Rich			X		
Segedy, Jason		X	X		
Snell, Jeff			X		
Stoiber, Dennis	X		X		
Terry, Robert			X		
<i>Open Seat</i>					
<i>Open Seat</i>					

**Motion**

*Dennis Stoiber* made a motion to approve the Meadows of Wintergreen Ph 4 – Variance Request – Springfield Township and it was seconded by *Jason Segedy* the motion passed with no abstentions.

**Item # 1 Meadows of Wintergreen Ph 4 – Preliminary Plan – Springfield Township**

SCPC Action: Conditional Approval on SCE Comments

SCPC Member	Motion	Second	Yea	Nay	Abstain
Beckham, George	X		X		
Feeman, Jerry					
Kline, David					
Mavrides, Allen			X		
Reville, Rich			X		
Segedy, Jason			X		
Snell, Jeff		X	X		
Stoiber, Dennis			X		
Terry, Robert			X		
<i>Open Seat</i>					
<i>Open Seat</i>					

**Motion**

**George Beckham** made a motion to conditionally approve Meadows of Wintergreen Ph 4 – Preliminary Plan – Springfield Township, and it was seconded by **Jeff Snell** the motion passed with no abstentions.

**Item # 3 – Riparian Variance – Southern Road – Richfield Township**

SCPC Action: Approval

SCPC Member	Motion	Second	Yea	Nay	Abstain
Beckham, George	X		X		
Feeman, Jerry					
Kline, David					
Mavrides, Allen			X		
Reville, Rich		X	X		
Segedy, Jason			X		
Snell, Jeff			X		
Stoiber, Dennis			X		
Terry, Robert			X		
<i>Open Seat</i>					
<i>Open Seat</i>					

**Motion**

**George Beckham** made a motion to conditionally approve Riparian Variance – Southern Road – Richfield Township, and it was seconded by **Rich Reville** the motion passed with no abstentions.

Item # 4 – Riparian Variance – 3649 W. Galloway Dr – Richfield township –

SCPC Action: Tabled by request of applicant

SCPC Member	Motion	Second	Yea	Nay	Abstain
Beckham, George			X		
Feeman, Jerry					
Kline, David					
Mavrides, Allen			X		
Reville, Rich		X	X		
Segedy, Jason	X		X		
Snell, Jeff			X		
Stoiber, Dennis			X		
Terry, Robert			X		
<i>Open Seat</i>					
<i>Open Seat</i>					

**Motion**

**Jason Segedy** made a motion to table the item at the applicants request, and it was seconded by **Rich Reville** the motion passed with no abstentions.



**Item # 5 – Rezoning – Springfield Township**

SCPC Action: Tabled

<b>SCPC Member</b>	<b>Motion</b>	<b>Second</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>
Beckham, George			X		
Feeman, Jerry					
Kline, David					
Mavrides, Allen			X		
Reville, Rich			X		
Segedy, Jason		X	X		
Snell, Jeff			X		
Stoiber, Dennis	X		X		
Terry, Robert			X		
<i>Open Seat</i>					
<i>Open Seat</i>					

**Motion**

***Dennis Stoiber*** made a motion to table the item as the applicant was not present, and it was seconded by ***Jason Segedy*** the motion passed with no abstentions.

**Item # 6 – Rezoning – PN 1900514 – Coventry Township**

SCPC Action: Approval with due consideration to SCPC comments\*.

SCPC Member	Motion	Second	Yea	Nay	Abstain
Beckham, George					X
Feeman, Jerry					
Kline, David					
Mavrides, Allen			X		
Reville, Rich			X		
Segedy, Jason			X		
Snell, Jeff	X		X		
Stoiber, Dennis		X	X		
Terry, Robert			X		
<i>Open Seat</i>					
<i>Open Seat</i>					

**Motion**

**Jeff Snell** made a motion to approve Item # 6 – Rezoning – PN 1900514 – Coventry Township, and it was seconded by **Dennis Stoiber** the motion passed with one abstention.

**Comments:**

Joe Paradise, Summit County Engineer’s Office: This looks like spot zoning. If approved it would allow an industrial factory to be able to move into the residential neighborhood.

\*Jeff Snell: The township should review the C/I district and its future impact to this site and consider adding storage as a conditional use under the limited local business district (B-2) zoning which would allow more control of the site’s development to the township if it is a conditional use.

**Item # 7 – Rezoning – PN 1909647 & 1907510 – Coventry Township**

SCPC Action: Approval.

SCPC Member	Motion	Second	Yea	Nay	Abstain
Beckham, George					X
Feeman, Jerry					
Kline, David					
Mavrides, Allen			X		
Reville, Rich			X		
Segedy, Jason		X	X		
Snell, Jeff			X		
Stoiber, Dennis	X		X		
Terry, Robert			X		
Open Seat					
Open Seat					

**Motion**

**Dennis Stoiber** made a motion to approve Item # 7 – Rezoning – PN 1909647 & 1907510 – Coventry Township, and it was seconded by **Jason Segedy** the motion passed with one abstention.

**Comments:**

Joe Paradise, Summit County Engineer’s Office: When S. Main was widened there was not enough room for a southbound left turn lane. Traffice from this site should be right turn only, in and out, otherwise the left turns would cross over three lanes of traffic and have potential for accidents.

**Item # 8 – Rezoning – Rothrock MUCD – Copely Township**

SCPC Action: Approval with due consideration to SCPC comments\*.

SCPC Member	Motion	Second	Yea	Nay	Abstain
Beckham, George			X		
Feeman, Jerry					
Kline, David					
Mavrides, Allen			X		
Reville, Rich			X		
Segedy, Jason			X		
Snell, Jeff		X	X		
Stoiber, Dennis	X		X		
Terry, Robert			X		
Open Seat					
Open Seat					

**Motion**

**Dennis Stoiber** made a motion to approve with due consideration to SCPC comments Item # 8 – Rezoning – Rothrock MUCD – Copely Township, and it was seconded by **Jeff Snell** the motion passed with no abstentions.

**Comments:**

*Jason Segedy:* Recommends that Copley and Fairlawn work together for this project and related traffic studies as requested by the City of Fairlawn.

*Applicant- Matt Birch* – Supports Jason Segedy’s recommendation. Phase 1 traffic questionnaire did not show a need for a traffic study.

*Copley Township:* The Economic Development and Zoning department are in support of this project. Confirm that the Phase 1 traffic questionnaire did not show a need for a traffic study.

*Joe Paradise, Summit County Engineer’s Office:* The city of Fairlawn will not remove the barrier on Rothrock Rd that was installed circa 2010. This project, due to its size, will require a traffic study. No opposition to the rezoning, overlay request.

*Rich Reville:* If the traffic study shows that the roadway needs improvement, would there be room for additional lanes?

*Joe Paradise, Summit County Engineer’s Office:* The current road is under capacity and a lot of development would be needed to cause a requirement for road improvements.

*Allen Mavrides:* What dictates a need for a traffic study?

*Joe Paradise, Summit County Engineer’s Office:* The Traffic Access Manual has questionnaires, if certain answers are given then another questionnaire with increased intensity is required.

*Copley Township:* The Township has included the City of Fairlawn in discussions and kept them up to date on the development.

*Jamie Kennedy, resident on Rothrock Rd:* They are against the rezoning/overlay, they interpret the proposal to exceed the overlays allowed residential density as stated in Copleys Zoning Regulations. Also points out the applicants site plan proposes a building of 85 ft that would require a variance from the 35 ft height regulation.

*Allen Mavides:* Summit County Planning Commission is only reviewing the rezoning/overlay request, the specifics of the site plan/development plan are not what is before the Summit County Planning Commission.

*Copley Township:* The height would not be a variance.

**Item # 9 – Text Amendment- Accessory Dwelling Unit - Copley Township**

SCPC Action: Approval with due consideration to SCPC and SCE comments.

SCPC Member	Motion	Second	Yea	Nay	Abstain
Beckham, George			X		
Feeman, Jerry					
Kline, David					
Mavrides, Allen			X		
Reville, Rich			X		
Segedy, Jason	X		X		
Snell, Jeff			X		
Stoiber, Dennis		X	X		
Terry, Robert			X		
<i>Open Seat</i>					
<i>Open Seat</i>					

**Motion**

**Jason Segedy** made a motion to approve with due consideration to SCPC and SCE comments Item # 9 – Text Amendment- Accessory Dwelling Unit - Copley Township, and it was seconded by **Dennis Stoiber** the motion passed with no abstentions.

**Comments:**

*Copley Township:*

*George Beckham:*

*Copley Township:*

*Joe Paradise, Summit County Engineer's Office:* Asks that the Accessory Dwelling Unit be required to use the same curb cut and driveway as the primary structure.

**Item # 10 – Text Amendment – 130 Definitions, Plat and Unplatted – Northfield Center Township**

SCPC Action: Approval with due consideration to Staff, SCPC comments and consider legal review.

SCPC Member	Motion	Second	Yea	Nay	Abstain
Beckham, George			X		
Feeman, Jerry					
Kline, David					
Mavrides, Allen			X		
Reville, Rich					X
Segedy, Jason			X		
Snell, Jeff		X	X		
Stoiber, Dennis	X		X		
Terry, Robert			X		
<i>Open Seat</i>					
<i>Open Seat</i>					

**Motion**

***Dennis Stoiber*** made a motion to approve with due consideration to Staff, SCPC comments and consider legal review Item # 10 – Text Amendment – 130 Definitions, Plat and Unplatted – Northfield Center Township, and it was seconded by ***Jeff Snell*** the motion passed with one abstention.

E. Report from Assistant Director

Tubbs

**CREATION OF SUBREG SUBCOMMITTEE**

SCPC Action: Approval.

SCPC Member	Motion	Second	Yea	Nay	Abstain
Beckham, George			X		
Feeman, Jerry					
Kline, David					
Mavrides, Allen	X		X		
Reville, Rich			X		
Segedy, Jason			X		
Snell, Jeff			X		
Stoiber, Dennis		X	X		
Terry, Robert			X		
<i>Open Seat</i>					
<i>Open Seat</i>					

**Motion**

*Allen Mavrides* made a motion to approve the creation of a Subdivision Regulation Update Subcommittee, and it was seconded by *Dennis Stoiber* the motion passed with no abstentions.

F. Comments from Public

Chair Mavrides

*-No comments from the Public*

G. Comments from Commission Members

Chair Mavrides

*-No comments from Commission Members*

H. Other

1. Legal Update

Matz

*-No Legal Update*



## SCPC Action: Approval to Adjourn

SCPC Member	Motion	Second	Yea	Nay	Abstain
Beckham, George			X		
Corbett, Becky					
Feeman, Jerry					
Humphrys, Helen			X		
Kline, David			X		
Mavrides, Allen			X		
Segedy, Jason	X		X		
Snell, Jeff			X		
Stoiber, Dennis			X		
Terry, Robert		X			
Walters, Liz					

**Motion**

**Jason Segedy** made a motion to adjourn, and it was seconded by **Robert Terry** the motion passed with no abstentions.

*These minutes were prepared by Stephen Knittel and represent the writer's best recollection of the items discussed.*



Planning Commission  
Riparian Variance  
**3649 W. Galloway Dr.**  
Richfield Township

## EXECUTIVE SUMMARY

**DISAPPROVAL**

<b>Item No.:</b> <u>OLD BUSINESS ITEM 1</u>	<b>Parcel No.:</b>
<b>Meeting:</b> April 28	<b>Area:</b>
<b>Owner:</b> Angela and Mark Kyei	<b>Council District:</b> District 1
	<b>Processor:</b>

### Proposal:

### Agency Comments: *Italicized text*

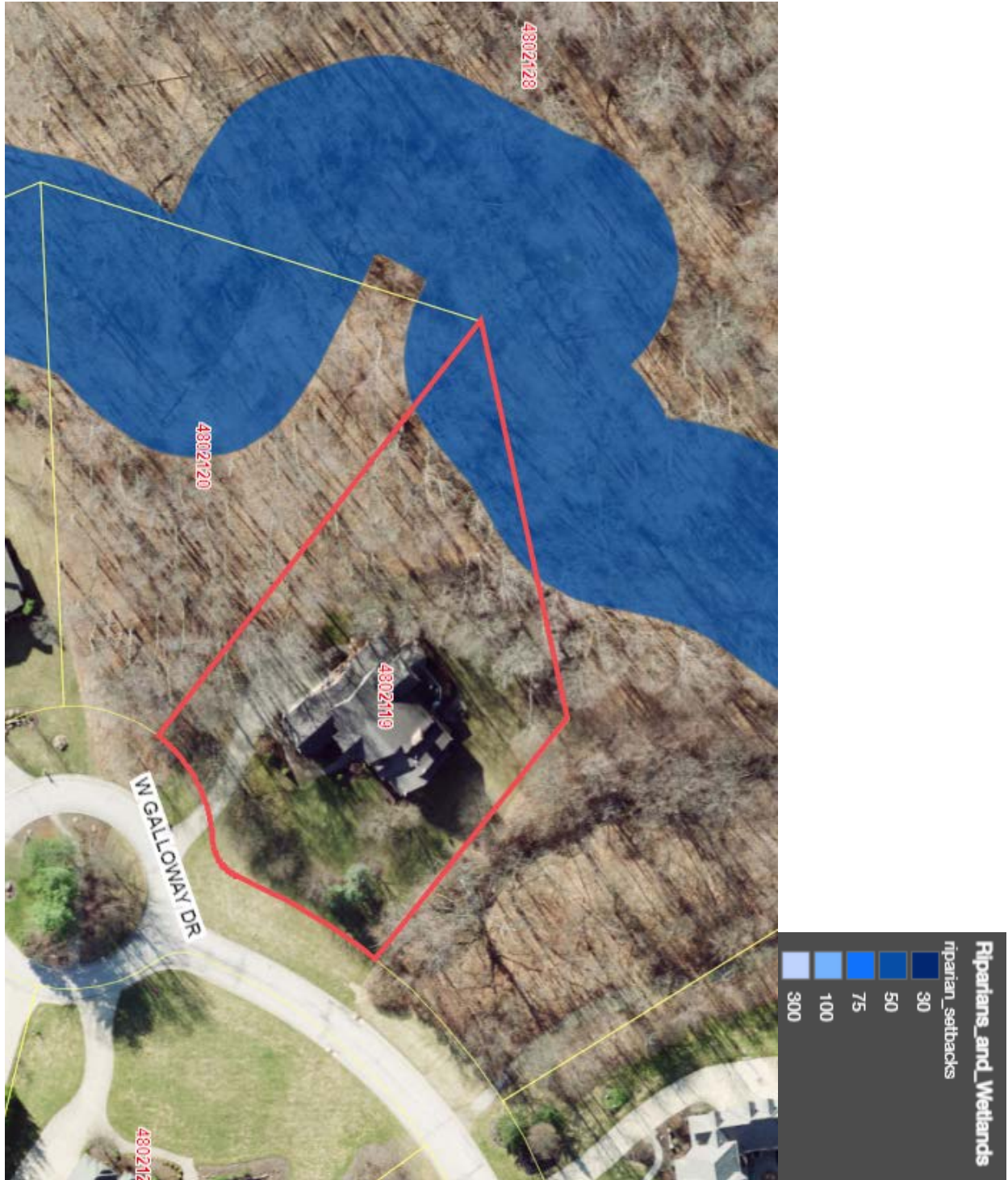
### SWCD:

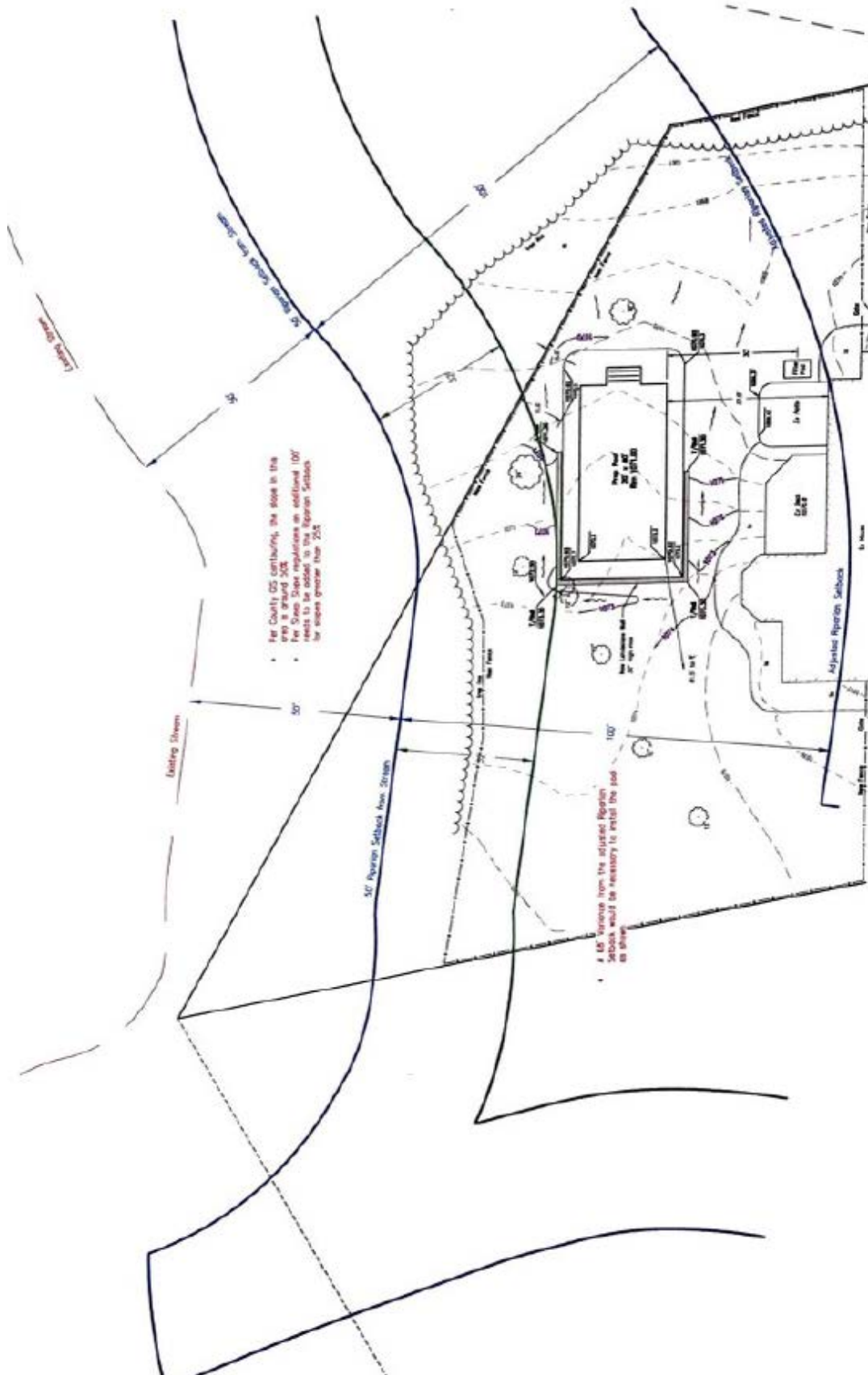
*Summit Soil and Water Conservation District conducted a riparian setback assessment for the site and found a base setback of 50' plus an additional 100' due to severe slopes. As a result, SSWCD does not support the request for a variance for the purposes of installing a pool. Based on the riparian regulations, disturbing the setback for the purposes of installing a pool is not an approved activity within the setback.*

### Staff Comments:

- 
- 
- 
- 
-

**Recommendation:** SCPC Staff defers to Summit SWCD Staff's recommendation for the Variance to be **DISAPPROVED**.







County of  
Summit,  
Ilene Shapiro,  
Executive

## APPENDIX E

### Variance Application

Department of Community and Economic  
Development  
Ohio Building - Suite 207 - 175 S. Main St. - Akron, OH 44308

#### APPLICANT INFORMATION

Applicant ANGELA & MARK KYEI  
Address 3649 WEST GALLOWAY DRIVE, RICHFIELD, OH 44286  
Phone 216 269 1183, 216 269 0719  
Email mkyei@live.com ; kyojona@hotmail.com

#### OWNER INFORMATION

Owner ANGELA & MARK KYEI  
Address 3649 WEST GALLOWAY DR. RICHFIELD OH 44286  
Phone 216 269 1183 216 269 0719  
Email kyojona@hotmail.com ; mkyei@live.com

#### SITE INFORMATION

Name of Subdivision  
or Address GLENCAIRN FOREST, 3649 WEST GALLOWAY  
Location 3649 WEST GALLOWAY DRIVE DR.  
Parcel No.'s 48-02119  
Creating Sublots \_\_\_\_\_  
Acreage 1.1 acre  
Water Provider Cleveland Water  
Septic or Central Sewer Provider Village of Richfield

#### FILING FEES

Variance Fees

\$300.00 per Variance Request

#### VARIANCE INFORMATION

Nature of Subdivision regulation Variance required: (Describe generally the nature of the variance.)

Riparian Setback Variance Request.

Provide the specific Subdivision Regulation from which a variance is requested:

Article:

Summit County Riparian Setback Regulations Chapter 937

Section:

Richfield Twp. has not adopted the county's riparian setback regulations so the variance request goes through Summit County.

JUSTIFICATION OF VARIANCE:

Applicant shall provide written justification for the requested variance by responding to the following questions.

1. Are there exceptional topographic or other physical conditions peculiar to this particular parcel or land? If so, please explain.

There is a Ravine at the back of the house / land

2. What is the unnecessary hardship which will result from a literal enforcement of the Subdivision Regulation owing to the special conditions set for in subparagraph (1.) herein?

Medical Hardship. Please see attached explanation

3. Did the special conditions specified in subparagraph (1.) result from previous actions by the applicant? Please explain.

No

4. Explain whether the variance requested is substantial.

Requesting Variance for Build a pool for health reasons

5. Explain whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

No  
Others in the neighborhood have pools

6. Will the variance adversely affect the delivery of governmental services, including but not limited to, access by fire fighting apparatus, law enforcement vehicles, ambulance and emergency vehicles and similar services relative to ingress and egress to the affected site and adjacent land?

No

7. Explain whether the Subdivision Regulation was in effect at time of acquisition of the property by the applicant and whether the applicant purchased the property with the knowledge of the Regulation.

No

House was built before the regulation was enacted. House was built in 2001 Regulation was enacted 2005.

8. Explain whether the applicant's predicament can be feasibly solved through some method other than a variance.

No it cannot.

9. Explain how the variance from the Subdivision Regulations will not be contrary to the public interest.

Approval of the variance should have no affect on the PUBLIC Interest

10. Explain how the spirit and intent behind the Subdivision Regulations will be observed if the variance is granted.

There should be no affect on stream if variance is approved.

11. Explain how the requested variance is the minimum variance to the Subdivision Regulations that will allow for a reasonable division of land.

Does NOT apply

ACTION OF THE SUMMIT COUNTY PLANNING COMMISSION SHOULD BE SENT TO:

Name Mark + Angela Kyei

Address 3649 west Galloway DR. Richfield Twp., OH 44286

Phone Mark: 216-269-0719 Angela: 216-269-1183

Email Mark: MKYEI@Live.com Angela: KOJONANA@hotmail.com

Respectfully submitted this 24th day of JANUARY, 2022 KOJONANA@hotmail.com

I certify that all information contained in this application and its supplements are true and correct.

[Signature]  
Applicant's or Authorized Representative's Signature

1/24/22  
Date

Fee Amount Paid: \_\_\_\_\_ Date Application Received: \_\_\_\_\_

Number of Lots: \_\_\_\_\_ Staff: \_\_\_\_\_



What is the unnecessary hardship which will result from a literal enforcement of the subdivision regulation owing to the special conditions set for in subparagraph (1.) herein?

My husband and I are both physicians and therefore recognize the importance of a healthy lifestyle in reaching optimal health. I personally have struggled with obesity all of my adult life and have sought many times to improve my lifestyle to combat this problem. My own physician has recommended daily exercise as an essential part of a healthy lifestyle. In an effort to achieve this, my husband and I joined our local gym (lifestyles) and took up swimming which we both enjoy. Moreover, its easier on my husband's chronic back pain and also on my joints.

Unfortunately, because of our busy schedules, it is extremely difficult to make time during the week to go to Lifestyles to swim. I leave for work in the morning at 5:30 and get back at 4pm just in time to meet my young son at the bus stop. After that I spend the evening cooking and doing homework with my son. My husband gets home at 7:30pm and by the time we all finish dinner and get ready for the next day, its already past 9pm, our bedtime.

My husband and I have decided to make the financial sacrifice and build a pool in our backyard so that we have easy access and therefore more likely to adopt this healthy activity into our lives. We have spent the last 2 years saving up to build this pool and honestly, we did not anticipate the road block we are facing in building this pool. When we bought this house in 2011, we were not aware of the zoning requirements for which we are requesting a variance. It is our understanding that when the house was built in 2001, there regulation was not in effect and unfortunately, we were not informed of this restriction. It is a great disappointment to us that after working so hard to save for the past 2 years to build this pool, we may not be able to have it.

It would mean the world to us to be able to have this pool to help us achieve our health goals. If granted this variance, we will do our best to take the necessary precautions to prevent any harm or adverse effects on our neighbors and the environment.

Thank you

Mark Kyei

Angela Kyei


APPLICATION FOR RESIDENTIAL VARIANCE WITHIN RIPARIAN SETBACK  
SUMMIT COUNTY, OHIO

This form shall be completed by the applicant and submitted at least fifteen (15) days prior to a regularly scheduled Summit County Planning Commission meeting. A variance review fee of \$350.00 (made payable to the Summit SWCD) must accompany application. If you have questions or need assistance while filling out this application, please call the Summit SWCD at 330-929-2871.  
(Type or print)

Applicant: MARK & ANGELA KYEI

Street Address: 3649 W. GALLOWAY DR

City, Village, or Township: RICHFIELD, Ohio Zip Code: 44286

Phone: 216 269 1183 FAX: \_\_\_\_\_ Email: Kojanana@hotmail.com

Location of property: GLENCAIRN FOREST, RICHFIELD

Parcel number (s): 48 - 02119

Stream name (if unnamed, nearest named stream it flows into): unknown, no stream

Owner of property: ANGELA & MARK KYEI

Street Address: 3649 W. GALLOWAY DRIVE

City, Village, or Township: RICHFIELD, Ohio Zip Code: 44286

Phone: 216 269 1183 FAX: \_\_\_\_\_ Email: Kojanana@hotmail.com

Give a brief description of the nature of the variance: To allow construction of an INGROUND pool at the above ADDRESS.

**JUSTIFICATION OF VARIANCE:**

Written justification for the requested variance shall be made. Responses to the following questions shall be provided.

1. How far is the proposed project (i.e., construction of any buildings, decks, roads or utilities) from the stream? about 82' (feet)
2. Explain how the stream and riparian area may be affected by this variance. \_\_\_\_\_

There should be no affect.

3. Explain how the properties upstream and downstream from you may be affected:

There should be NO affect.

4. Explain how the variance from the Riparian Setback Ordinance will not be contrary to the public interest:

Approval of the variance should have NO affect on the public interest.

5. Explain whether the variance requested is substantial.

It is not substantial.

6. Are there exceptional topographic or other physical conditions peculiar to this particular parcel or land?

Yes	No	Land feature
<u>Yes</u>	___	Steep slopes (ravines with slopes too steep to build upon)
___	<u>No</u>	Wetlands (characterized by soils that remain wet, support typical "wetland" vegetation)
___	<u>No</u>	Floodplain (areas adjacent to stream or river where floodwaters leave deposits.)

If answer is "yes" to any above, please explain.

POOL will not be constructed on steep slope.

7. Please explain the practical difficulties or unnecessary hardship which will result from a literal enforcement of the Riparian Setback Ordinance?

Medical hardship. Please see attached explanation.

8. What alternatives to the variance have been explored?

NO other alternatives are available.

9. Did you acquire the property before or after May 29, 2002, when the Riparian Setback Ordinance was enacted? After but house was built in 2001  
How were you made aware of the Riparian Setback Ordinance?

We were made aware when applying for zoning permit from Richfield Twp. for pool.

10. Explain how the spirit and intent behind the Riparian Setback Ordinance will be observed if the variance is granted:

There should be no effect on stream if variance is approved.

11. Explain how the requested variance is the minimum variance to the Riparian Ordinance that will allow for a reasonable division of land. (This question pertains only to the creation of new lots).

Action of the Summit County Planning Commission should be sent to:

Applicant: Angela and Mark Kujci

Address: 3649 W. Galloway Dr. Richfield OH 44286

Respectfully submitted this 24th day of January, 2022

I certify that all information contained in this application and its supplements are true and correct.

Kumarlytho  
Signature of Applicant or Authorized Representative

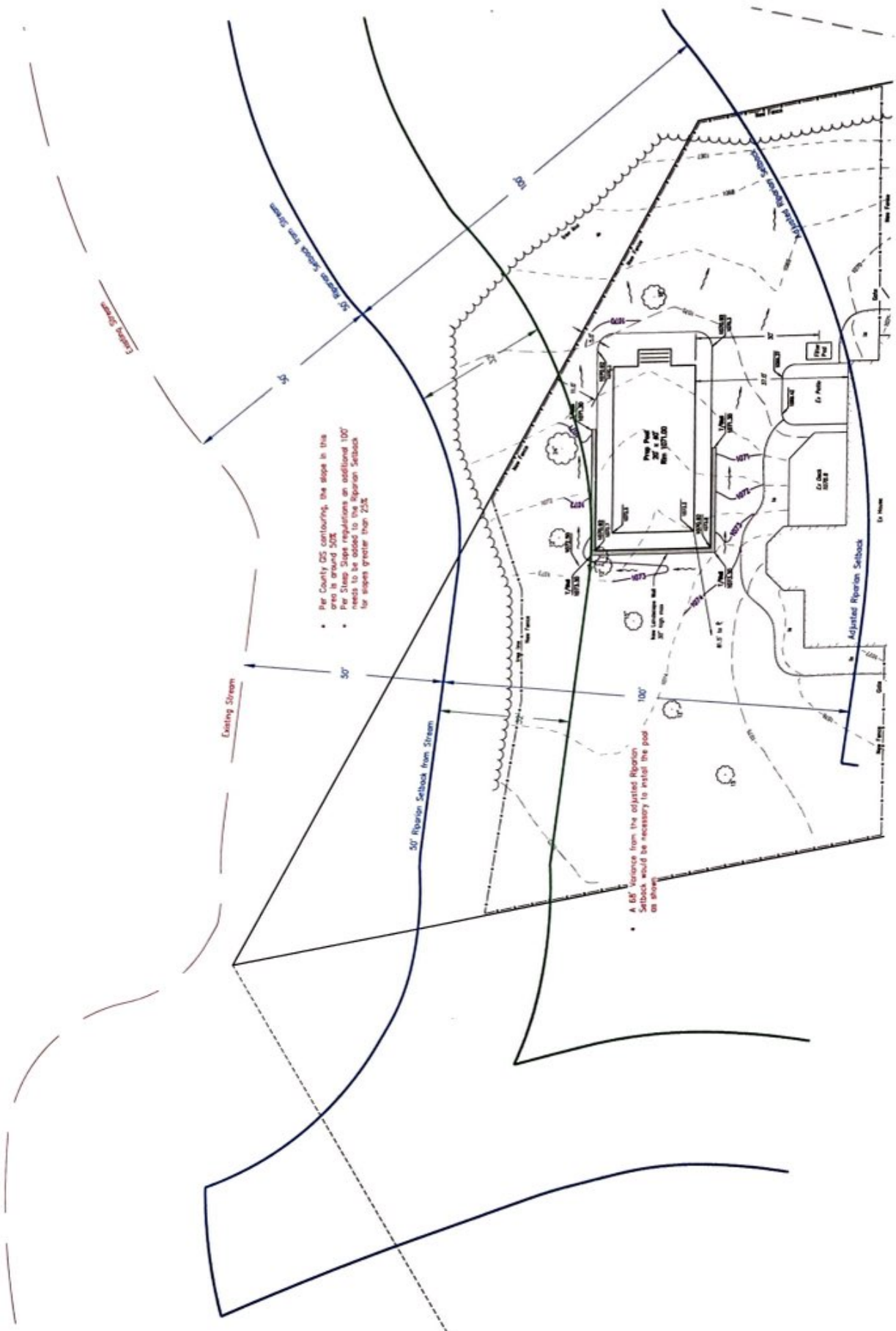
1/24/22  
Date

For Office Use Only

Fee Amount Paid: \_\_\_\_\_ Date Application Received: \_\_\_\_\_

Staff: \_\_\_\_\_

Comments:  
\_\_\_\_\_  
\_\_\_\_\_



- Per County GIS contouring, the slope in this area is around 50%.
- Per State Dept regulations an additional 100' needs to be added to the Riparian Setback for slopes greater than 25%.

- A 65' variance from the adjusted Riparian Setback would be necessary to install the pool as shown.

Existing Stream

50' Riparian Setback from Stream

Adjusted Riparian Setback

100'

50'

100'

100'

100'

100'

100'

100'

100'

50'

50'

50'

50'

50'

50'

50'

50'

50'

50'

50'

50'

50'

50'

50'

50'

50'

50'



1180 South Main Street, Suite 241  
Akron, Ohio 44301  
(330) 929-2871

---

March 8, 2022

Stephen Knittle  
Senior Administrator, District 8 Liaison  
Department of Community & Economic Development  
County of Summit, Ilene Shapiro, Executive  
175 S. Main St., Suite 103, Room 113  
Akron, OH 44308

RE: 3649 Galloway Rd. Pool Variance Request

Dear Mr. Knittle,

Summit Soil and Water Conservation District conducted a riparian setback assessment for the site and found a base setback of 50' plus an additional 100' due to severe slopes. As a result, SSWCD does not support the request for a variance for the purposes of installing a pool. Based on the riparian regulations, disturbing the setback for the purposes of installing a pool is not an approved activity within the setback.

If you have questions regarding this letter of approval, please do not hesitate to contact me at 330.926.2443.

Sincerely,

*Sasha Mikheidze*

Sasha Mikheidze  
Stormwater Specialist  
Summit Soil & Water Conservation District

Cc: Richfield Township  
File



Planning Commission  
**Zoning Map Amendment**

Springfield Township

## EXECUTIVE SUMMARY

<b>Meeting:</b>	April 28, 2022	<b>Proposed Zoning:</b>	I-1
<b>Item No.:</b>	<b>Old Business Item 2</b>	<b>Council Dist.:</b>	District 8
<b>Current Zoning:</b>	O-R	<b>Processor:</b>	Stephen Knittel

**Parcel Number:**

**Location:**

**Proposal:**

*“As Zoning Administrator, I recommend the Board pass a resolution to change the following parcels.*

*51-02670, 51-06600, , 51-09833, 51-02273, 51-02281, 51-02280, 51-02275, 51-02276, 51-08482, 51-08483, and 51-03302.*

*From O-R (Office-Research) to I-1(Light Industrial).*

*When this district was first established, it was hoped that new professional offices/research facilities would be encouraged to locate there. This has not happened, and the nature of the district has continued to be more industrial with businesses like Ohio Edison, Pence Brothers and Treno, LLC occupying the majority of the district. The I-1 district is established to accommodate industrial uses in the fields of repair, storage, manufacturing, processing, wholesaling, and distribution, free from encroachment of residential, retail, and institutional uses. The uses allowed are those that because of their normally unobjectionable characteristics can be in proximity to residential districts. The proposed change will still allow for offices or research facilities in the I-1 district. The change will eliminate the need for variances for the existing businesses as they expand. This will allow the Zoning Department to require more stringent enforcement of screening and landscaping requirements.”*

---

**Zoning:**

*See attachments for zoning maps.*

<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>	<b>Jurisdiction</b>
	R-2		
	R-2	Residential	
	R-2	Residential	
	PIPD	Planned Industrial Park	

**Current Zoning:**

: <https://www.springfieldtownship.us/>

**Proposed Zoning:**



(B) **PERMITTED USE TABLE**

<b>TABLE 5.03-A: PERMITTED USE TABLE</b>											
<b>PERMITTED USES</b> P = Permitted Use PS = Permitted with Additional Use-Specific Standards C = Conditional Use Blank Cell = Prohibited	<b>RESIDENTIAL ZONING DISTRICTS</b>				<b>NONRESIDENTIAL ZONING DISTRICTS</b>						<b>USE-SPECIFIC STANDARDS</b>  SEE SECTION:
	OC	R-1	R-2	R-3	C-1	C-2	C-3	OR	I-1	I-2	
	<b>AGRICULTURAL USES</b>										
Agricultural uses	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Section 5.04(A)
Nurseries or greenhouses	PS	PS	PS	PS		P	P		P	P	Section 5.04(B)
<b>RESIDENTIAL USES</b>											
Adult family homes or small residential facilities	P	P	P	P							
Bed and breakfast establishments	C	C	C	C							Section 5.04(C)
Conservation subdivision	PS	PS	PS	PS							Section 5.04(D)
Conservation subdivision with attached dwellings	PS	PS	PS	PS							Section 5.04(D)
Dwellings, single-family	P	P	P	P							
Dwellings, two-family			P	P							
Institutional housing		C	C	C	PS						Section 5.04(E)
Permanently sited manufactured housing	PS	PS	PS	PS							Section 5.04(F)
<b>PUBLIC AND INSTITUTIONAL USES</b>											
Active parks and recreation	C	C	C	C	C	P	P	P	P	P	Section 5.04(G)
Campgrounds	C										Section 5.04(I)
Cemeteries		PS	PS	PS							Section 5.04(J)
Churches and places of worship	C	C	C	C	P	P	P	P	P	P	0
Cultural institutions	C	C	C	C							0
Educational facilities (Primary and Secondary) <sup>6</sup>		C	C	C	C	C					0
Educational facilities, higher							P	P	P		
Hospitals						P	P	C			Section 5.04(M)
Passive parks, recreation, and open space	P	P	P	P	P	P	P	P	P	P	
Public safety and service facilities	C	C	C	C	PS	PS	PS	PS	PS	PS	Section 5.04(N)

**TABLE 5.03-A: PERMITTED USE TABLE**

PERMITTED USES P = Permitted Use PS = Permitted with Additional Use-Specific Standards C = Conditional Use Blank Cell = Prohibited	RESIDENTIAL ZONING DISTRICTS				NONRESIDENTIAL ZONING DISTRICTS						USE-SPECIFIC STANDARDS  SEE SECTION:
	O-C	R-1	R-2	R-3	C-1	C-2	C-3	O-R	I-1	I-2	
	<b>COMMERCIAL AND OFFICE USES</b>										
Adult entertainment establishments									C	C	Section 5.04(H)
Banks and financial institutions					P	P	P	P			
Bars, taverns, or restaurants					P	P	P	P			
Club					P	P	P				
Commercial entertainment or recreation (indoors)						P	P		C		
Commercial entertainment or recreation (outdoors)						C					
Building supply or farm sales establishments							P		P	P	
Day care centers (adult or child)	PS	PS	PS	PS	P	P	P	P			Section 5.04(O)
Entertainment Device Arcades											Section 5.04(P)
Funeral homes						P					
General offices (administrative, professional, business)					P	P	P	P	P	P	
Hotels and motels						P	P				
Instructional studios					P	P	P				
Kennels, commercial and animal day cares	C	C	C	C			C		PS	PS	Section 5.04(Q)
Medical and dental offices or clinics					P	P	P	P	P		
Outdoor dining areas					PS	PS	PS				Section 5.04(R)
Outdoor display and sales					PS	PS	PS	PS			Section 5.04(S)
Outdoor storage						C	C		PS	PS	Section 5.04(T)
Personal service establishments					P	P	P				
Retail commercial uses					P	P	P				
Sales offices and showrooms						P	P	C			
Service commercial uses						P	P	C			
Veterinarian offices and animal hospitals						PS	PS	PS	PS	PS	Section 5.04(U)
<b>VEHICLE AND TRANSPORTATION RELATED USES</b>											
Gasoline stations						C	PS				Section 5.04(V)
Farm implement sales and rental <sup>2,7</sup>						C	C				Section 5.04(W)
Motor vehicle sales <sup>2</sup>						C	C				Section 5.04(W)
Parking lot or structure					C	C	C	C	C	C	Section 5.04(X)
Passenger transportation terminal						P	P				
Truck services/truck stop facilities							C				Section 5.04(Y)
Truck/transfer facilities									C	C	Section 5.04(Y)
Vehicle repair garages (major repair)						C	PS		PS	PS	Section 5.04(Z)

**TABLE 5.03-A: PERMITTED USE TABLE**

PERMITTED USES P = Permitted Use PS = Permitted with Additional Use-Specific Standards C = Conditional Use Blank Cell = Prohibited	RESIDENTIAL ZONING DISTRICTS				NONRESIDENTIAL ZONING DISTRICTS					USE-SPECIFIC STANDARDS  SEE SECTION:	
	OC	R-1	R-2	R-3	C-1	C-2	C-3	OR	I-1		I-2
	Vehicle service uses (minor repair)						PS	PS		PS	PS
Vehicle washing establishments						C	C				Section 5.04(AA)
<b>INDUSTRIAL USES</b>											
Distribution facilities									P	P	
Foundry									C	P	
Industrial service uses									P	P	Section 5.04(BB)
Industrial uses, heavy										C	Section 5.04(CC)
Industrial uses, light								P	P	P	Section 5.04(BB)
Laboratories								PS	PS	PS	Section 5.04(DD)
Research and development facilities								PS	PS		Section 5.04(DD)
Self-storage facilities									C	C	Section 5.04(EE)
Warehouses								P	P	P	
<b>OTHER USES</b>											
Essential Services	P	P	P	P	P	P	P	P	P	P	
Gas and Oil Wells	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Section 5.04(FF)
Mixed Use Development						PS	PS				Section 5.04(GG)
Radio and television stations (no towers or satellites)						P	P	P	P	P	
Soil removal or mineral extraction									C	C	Section 5.04(HH)
Wireless telecommunication facilities	C	C	C	C	P	P	P	P	P	P	Section 5.04(II)

**STAFF REVIEW**

*Is the proposed zoning change reasonable given the nature of the surrounding area?*

*Can the property reasonably be used as currently zoned?*

3. *Is the proposed Map Amendment consistent with the objectives and goals of the Comprehensive Plan?*
4. *Is the proposed zoning change consistent with the stated purpose and intent of the zoning resolution and the applicable districts?*
5. *How will the proposed zoning change impact public services and facilities? The proposed zoning is a greater intensity use than the current zoning however it should not impact public services and facilities.  
How will the proposed zoning change impact traffic, especially traffic safety? The proposed change should not have an impact on traffic nor traffic safety.*
7. *Will the proposed zoning change adversely affect adjoining properties?*

*Is this an appropriate location for the proposed use or are there other available locations better suited for it?*

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*Will the proposed zoning change, change the character of the neighborhood?*

*Has there been a change in conditions that renders the original zoning inappropriate?*

**Staff Comments:**

- 
- 
- 

**Recommendation:** Staff recommends APPROVAL.



**To the Springfield Board of Trustees:**

**O-R**

**I-1**

**I-1**

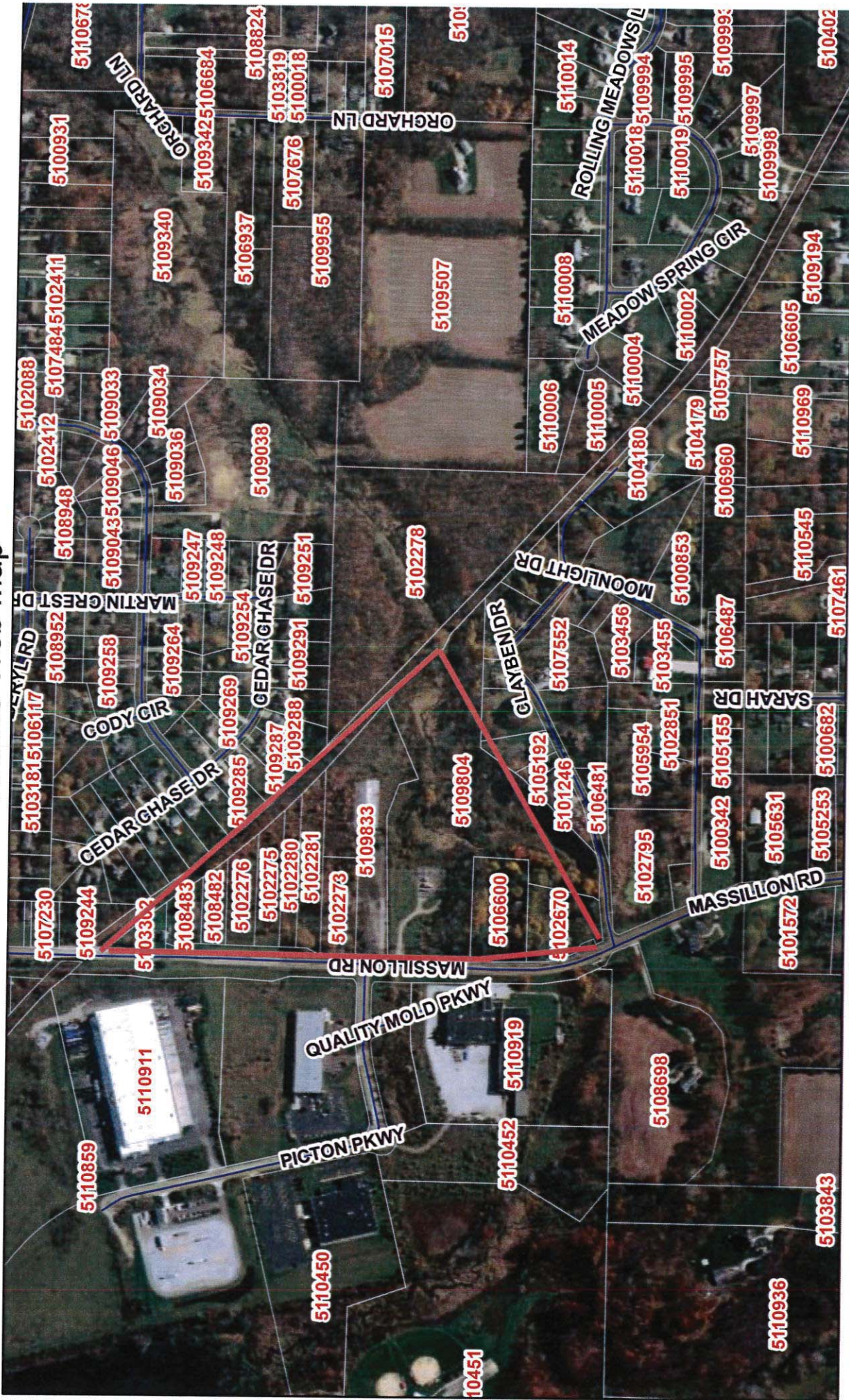
**I-1**

 Recoverable Signature

**X** Allan Swift

Allan Swift  
Zoning Administrator  
Signed by: ee0e361d-1075-4891-9474-9f82c8ec5c62

# ArcGIS Web Map



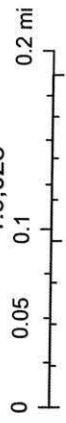
3/3/2022, 12:56:51 PM

□ Parcels

— Road Labels

□ Summit County Municipal Outlines

1:9,028



Esri, HERE, Garmin, GeoTechnologies, Inc., Maxar

Web AppBuilc  
Disclaimer: Users of this map accept all risk, not intended to serve as profes

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**SPRINGFIELD TOWNSHIP  
ZONING COMMISSION  
MARCH 2, 2022  
MINUTES**

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The Springfield Township Zoning Commission held a meeting on Wednesday, March 2, 2022 at the Springfield Township Town Hall, 2459 Canfield Road, Akron, Ohio at 5:30 p.m.

Board members In attendance: Gary Older, Tracy Cunningham, Gerard Michael. Nancy Dotson and David Lile were absent. Also present Alan Swift, Zoning Administrator and Patty Price, Secretary.

**Purpose of the Meeting:**

1. Change Zoning District on Massillon Road from O-R to I-1 sent from Trustees.
2. Evaluate the current zoning regulations and look to update.
3. Begin work on a property maintenance code.
4. Set up committee to revise the comprehensive plan.

Alan Swift and Tracy Cunningham went over the changes to the Zoning Book in order to have a current up to date book.

Officers for 2022 were elected. Gary Older, Chairman. Gerard Michael, Vice Chairman.

**Amendment to Zoning District:**

Gerard Michael: I move to change the zoning district on Massillon Road including Parcel #'s: 51-02670, 51-06600, 51-09804, 51-09833, 51-02273, 51-02281, 51-02280, 51-02275, 51-02276, 51-08482, 51-08483, 51-03302 from O-R (Office-Research) to I-1 (Light Industrial) and set a public hearing for the Zoning Commission on April 6, 2022 at 5:30 p.m. Seconded by Gary Older. Roll Call: Gerard Michael (yes); Gary Older (yes); Tracy Cunningham (yes).

The Zoning members discussed work to initiate a Property Maintenance Code.

Comprehensive Plan (2002 – updated 2010). Discussed setting up a committee of ten individuals to look at 20 years in future.



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**SPRINGFIELD TOWNSHIP  
ZONING COMMISSION  
MARCH 2, 2022  
MINUTES**

---

**Gary Older: I move to adjourn. Seconded by Gerard Michael. Roll Call: Gerard Michael (yes); Gary Older (yes); Tracy Cunningham (yes).**

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**Gary Older, Chairman**

---

**Patty Price, Secretary**

**03022022zcmin**



*Planning Commission*  
 Variance and Lot Split  
**1707 Hilltop Dr**  
 Coventry Township

**EXECUTIVE SUMMARY**

**Disapproval**

<b>Item No.:</b> 1 a & b	<b>Area:</b>
<b>Meeting:</b>	<b>Lots:</b>
<b>Developer:</b>	<b>Utilities:</b>
<b>Parcel No.:</b>	<b>Council District:</b>
<b>Zoning:</b>	<b>Processor:</b>

**Location:**

**Proposal:**

**Site Conditions:**

**Township Zoning:**

Zoning:			
Direction	Zoning	Land Use	Municipality

**1a. Variance Request:**

The applicant is requesting a variance from Subdivision Regulation 1105.05 (e) Access to Public Streets “Unless otherwise permitted herein, the subdividing of land whether as a Major or Minor Subdivisions, shall provide each lot with a minimum of thirty (30) feet of continuous frontage on a dedicated Street. Access to public streets shall comply with the Access Management Manual.”

The following narratives were submitted in response to the questions posed in the variance application. Staff comments are *bold and italicized*.

- i. Are there exceptional topographic or other physical conditions peculiar to this particular parcel or land? If, so please explain.

Exceptional Location for beautify home site.

***There are not exceptional topographic or other physical conditions peculiar to this parcel.***

- ii. What is the unnecessary hardship which will result from a literal enforcement of the Subdivision Regulation owing to the special conditions set forth in subparagraph (i.) herein?

Would lose best and highest use of land. Tax revenue would be lost.

***The applicant would not be able to split their lot.***

- iii. Did the special conditions specified in subparagraph (i.) result from previous actions by the applicant? Please explain.

No.

***No.***

- iv. Explain whether the variance requested is substantial.

Is not substantial. Very nice improved asphalt drive with permanent easements is short distance from 2 streets.

***The variance request is substantial, as the applicant is requesting to be completely absolved from the street frontage requirement for two new lots.***

- v. Explain whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

Two additional houses would benefit neighborhood.

***While other properties also utilize the access drive, most properties in the neighborhood access a dedicated street including a flag lot adjacent to the property.***

- vi. Will the variance adversely affect the delivery of governmental services, including but not limited to, access by firefighting apparatus, law enforcement vehicles, ambulance and emergency vehicles and similar services relative to ingress and egress to the affected site and adjacent land?

Will not.

***This variance could adversely affect the delivery of governmental services, including but not limited to, access by firefighting apparatus, law enforcement vehicles, ambulance and emergency vehicles and similar services relative to ingress and egress to the affected site and adjacent land as the access drive is not a public nor private street and does not have the same specifications as a street.***

- vii. Explain whether the Subdivision Regulation was in effect at the time of acquisition of the property by the applicant and whether the applicant purchased the property with the knowledge of the Regulation.

Unknown. Property owned 50+ years.

***The 1980 Subdivision Regulations required 50 feet of frontage.***

- viii. Explain whether the applicant's predicament can be feasibly solved through some method other than a variance.

Can not. Two houses can only be built with variance for best and highest use of land.

***There is not enough frontage in the original parcel to allow for any splits to occur without a variance to the road frontage regulation.***

- ix. Explain how the variance from the Subdivision Regulations will not be contrary to the public interest.

Would blend in with residential neighborhood.

***This variance could adversely affect the delivery of governmental services, including but not limited to, access by firefighting apparatus, law enforcement vehicles, ambulance and emergency vehicles and similar services relative to ingress and egress to the affected site and adjacent land as the access drive is not a public nor private street and does not have the same specifications as a street.***

- x. Explain how the spirit and intent behind the Subdivision Regulations will be observed if the variance is granted.

With permanent easements on improved driveway just a short distance from street, land is accessible.

***The spirit and intent of the following purposes and objectives of the Regulations as listed in § 1101.02:***

- (a) The proper arrangement of streets or highways in relation to existing or proposed streets and highways and the thoroughfare plan.  
***This variance request is for two lots to have no frontage to a dedicated street.***
- (b) Adequate and convenient open spaces for traffic, utilities, access for firefighting apparatus, recreation, light and air, and the avoidance of congestion of the population.  
***This variance could adversely affect the delivery of governmental services, including but not limited to, access by firefighting apparatus, law enforcement vehicles, ambulance and emergency vehicles and similar services relative to ingress and egress to the affected site and adjacent land as the access drive is not a public nor private street and does not have the same specifications as a street.***
- (c) The orderly, efficient, and appropriate development of land.  
***This would impact the orderly, efficient and appropriate development of land, as it is proposing two lots without frontage onto a dedicated street.***
- (d) The orderly and efficient provision of community facilities at minimum cost and maximum convenience.  
***This would not impact the orderly and efficient provision of community facilities.***
- (e) Safe and convenient vehicular and pedestrian movement.  
***This variance could adversely affect the safe and convenient vehicular and pedestrian movement as the access drive is not a public nor private street and does not have the same specifications as a street.***
- (f) The promotion of public health, safety, comfort, convenience, prosperity, and general welfare, and the protection of the environment.  
***This variance request would not impact public health, safety, comfort, convenience, prosperity, and general welfare, and the protection of the***

*environment.*

- (g) The accurate surveying of land, preparing and recording of plats.  
*This would not impact the accurate surveying of land, preparing and recording of plats.*
- (h) The equitable handling of all subdivision plats by providing uniform procedures and standards for observance by both the approving authority and Developer as defined herein.

- xi. Explain how the requested variance is the minimum variance to the Subdivision Regulations that will allow for a reasonable division of land.

No other solution would allow use of land.

*There is not enough frontage in the original parcel to allow for any splits to occur without a variance to the road frontage regulation.*

**Staff Comments:** Variances are to alleviate unnecessary hardships imposed by literal enforcement of the subdivision regulations due to exceptional topographic or other physical conditions peculiar to a parcel.

**Staff Recommendation:** Staff recommends the SCPC **DISPROVE** the Variance Request.

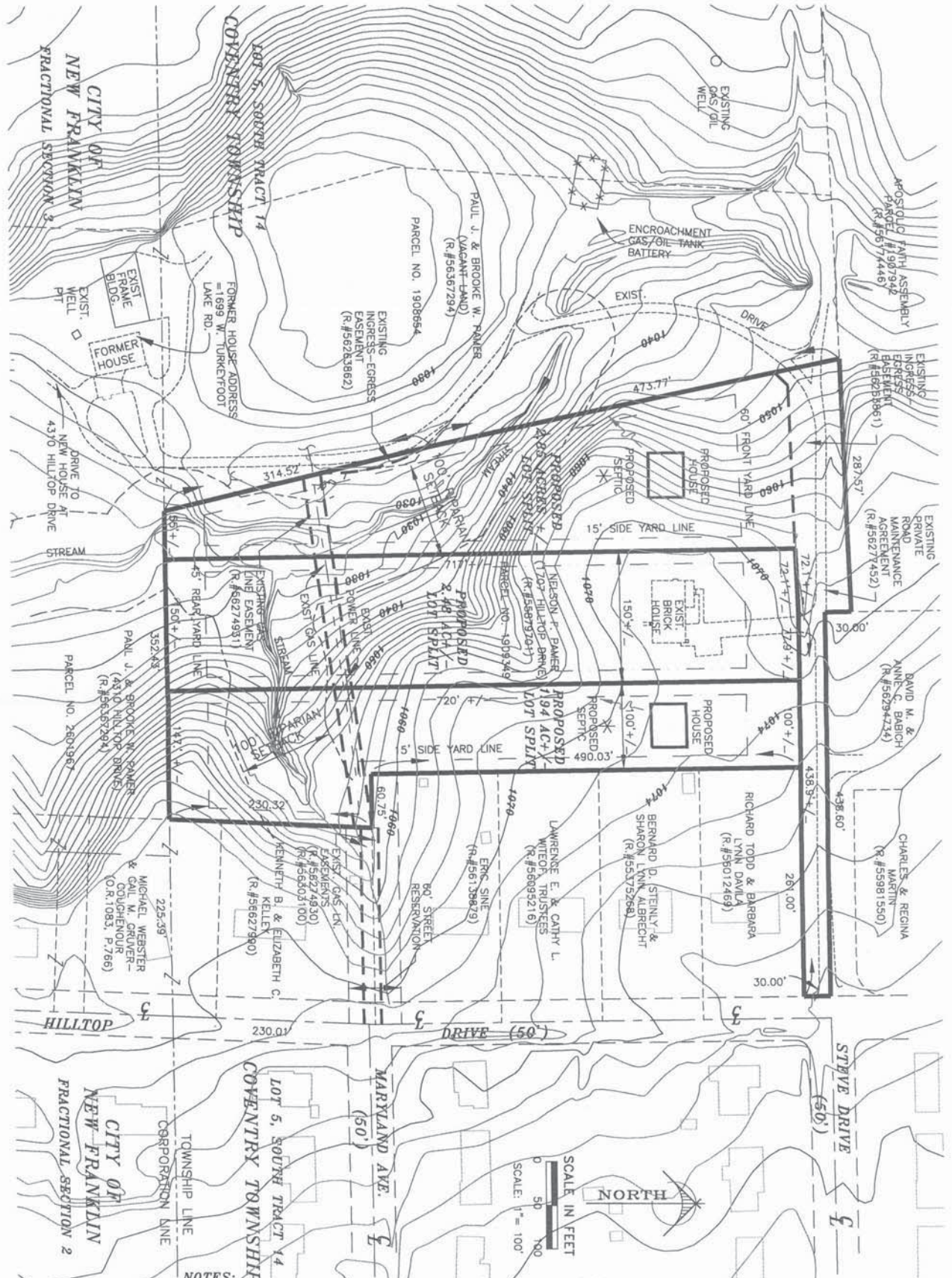
**1b. Lot Split**

**Staff Comments:**

1. Plan does not satisfy Subdivision Regulation 1105.05 (e) Access to Public Streets “Unless otherwise permitted herein, the subdividing of land whether as a Major or Minor Subdivisions, shall provide each lot with a minimum of thirty (30) feet of continuous frontage on a dedicated Street. Access to public streets shall comply with the Access Management Manual.”
2. There is not enough frontage in the original parcel to allow for any splits to occur without a variance to the road frontage regulation.

**Recommendation:**

**Disapprove**



- NOTES:**
- 1) ALL DATA ON THIS DRAWING IS SUBJECT TO THE FIELD SURVEY
  - 2) THE LOCATIONS OF THE PROPOSED SEPTIC SYSTEMS IS SUBJECT TO THE HEALTH DEPARTMENT.
  - 3) 2 FOOT INTERVAL CONTOUR LINES AND GREEN BUILDINGS ARE TAKEN FROM THE SUMMIT COUNTY GIS DATA.

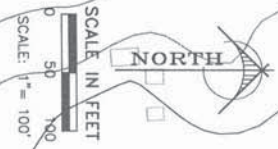
**LEGEND:**

→ DENOTES PROPOSED DIRECTION OF STORM WATER FLOW FROM PROPOSED BUILDINGS.

PREPARED BY:  
 JOSEPH H. MOINE, JR.  
 REGISTERED PROFESSIONAL SURVEYOR  
 P.O. BOX 104, 17175 GALEHOUSE RD.  
 DOYLESTOWN, OHIO 44230 (330-658-2849)

REV: FEBRUARY 8, 2022  
 REV: JANUARY 30, 2022  
 DATE: JANUARY 14, 2022

**PROPOSED PAMER LOT SPLITS**  
 PART OF LOT 5, TRACT 14,  
 COVENTRY TOWNSHIP  
 SUMMIT COUNTY  
 STATE OF OHIO





**County of Summit,**  
Ilene Shapiro,  
Executive

## APPENDIX E

### Variance Application

Department of Community and Economic  
Development

Ohio Building - Suite 207 - 175 S. Main St. - Akron, OH 44308

#### APPLICANT INFORMATION

Applicant RODNEY V. PAMER  
 Address 1707 W. TURKEYFOOT LK RD BARBERTON  
 Phone 330.388.0311  
 Email rodpamer@GMAIL.COM

#### OWNER INFORMATION

Owner RODNEY V. PAMER  
 Address P.O. BOX 225 BARBERTON OH 44203  
 Phone 330.388.0311  
 Email rodpamer@GMAIL.COM

#### SITE INFORMATION

Name of Subdivision \_\_\_\_\_  
 or Address 1707 W. TURKEYFOOT LK. RD.  
 Location COVENTRY TOWNSHIP  
 Parcel No.'s 1909349  
 Creating Sublots 3 TOTAL  
 Acreage 7.3 ACRES DIVIDED INTO 2+ ACRES EACH  
 Water Provider WELL  
 Septic or Central Sewer Provider SEPTIC

#### FILING FEES

Variance Fees

\$300.00 per Variance Request

#### VARIANCE INFORMATION

Nature of Subdivision regulation Variance required: (Describe generally the nature of the variance.)  
PARCEL DOES NOT HAVE FRONTAGE ON A STREET

Provide the specific Subdivision Regulation from which a variance is requested:

Article:

1105.05(e)

Section:

ACCESS TO PUBLIC STREETS



JUSTIFICATION OF VARIANCE:

Applicant shall provide written justification for the requested variance by responding to the following questions.

1. Are there exceptional topographic or other physical conditions peculiar to this particular parcel or land? If so, please explain.

EXCEPTIONAL LOCATION FOR BEAUTIFUL HOME SITE.

2. What is the unnecessary hardship which will result from a literal enforcement of the Subdivision Regulation owing to the special conditions set for in subparagraph (1.) herein?

WOULD LOSE BEST AND HIGHEST USE OF LAND.  
TAX REVENUE WOULD BE LOST.

3. Did the special conditions specified in subparagraph (1.) result from previous actions by the applicant? Please explain.

NO.

4. Explain whether the variance requested is substantial.

IS NOT SUBSTANTIAL. VERY NICE IMPROVED ASPHALT DRIVE WITH PERMANENT EASEMENTS IS SHORT DISTANCE FROM 2 STREETS.

5. Explain whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

TWO ADDITIONAL HOUSES WOULD BENEFIT NEIGHBORHOOD.

6. Will the variance adversely affect the delivery of governmental services, including but not limited to, access by fire fighting apparatus, law enforcement vehicles, ambulance and emergency vehicles and similar services relative to ingress and egress to the affected site and adjacent land?

WILL NOT.

7. Explain whether the Subdivision Regulation was in effect at time of acquisition of the property by the applicant and whether the applicant purchased the property with the knowledge of the Regulation.

UNKNOWN. PROPERTY OWNED 50+ YEARS.

8. Explain whether the applicant's predicament can be feasibly solved through some method other than a variance.

CAN NOT. TWO HOUSES CAN ONLY BE BUILT WITH VARIANCE FOR BEST AND HIGHEST USE OF LAND.

9. Explain how the variance from the Subdivision Regulations will not be contrary to the public interest.

WOULD BLEND IN WITH RESIDENTIAL NEIGHBORHOOD.

10. Explain how the spirit and intent behind the Subdivision Regulations will be observed if the variance is granted.

WITH PERMANENT EASEMENTS ON IMPROVED DRIVEWAY JUST A SHORT DISTANCE FROM STREET, LAND IS ACCESSIBLE.

11. Explain how the requested variance is the minimum variance to the Subdivision Regulations that will allow for a reasonable division of land.

NO OTHER SOLUTION WOULD ALLOW USE OF LAND.

ACTION OF THE SUMMIT COUNTY PLANNING COMMISSION SHOULD BE SENT TO:

Name RODNEY V. PAMER

Address P.O. BOX 225 BARBERTON OH 44203

Phone 330.388.0311

Email rodpamer@gmail.com

Respectfully submitted this 25 TH day of APRIL 2022

I certify that all information contained in this application and its supplements are true and correct.

Rodney V. Pamer 4.25.2022  
Applicant's or Authorized Representative's Signature Date

Fee Amount Paid: \_\_\_\_\_ Date Application Received: \_\_\_\_\_

Number of Lots: \_\_\_\_\_ Staff: \_\_\_\_\_



County of Summit - The High Point of Ohio

Planning Commission  
 Replat  
**Heritage Centre**  
 Copley Township

**EXECUTIVE SUMMARY**

**Approval**

<b>Item No.:</b> 2	<b>Area:</b>
<b>Meeting:</b>	<b>Lots:</b>
<b>Developer:</b>	<b>Streets:</b>
<b>Parcel No.:</b>	<b>Council District:</b>
<b>Zoning:</b>	<b>Processor:</b>

**Location:**

**Proposal:**

**Site Conditions:**

**Township Zoning:**

Direction	Zoning	Land Use	Municipality
North			
East			
South			
West			

**Agency Comments:** *Italicized text* indicates quotations from submitted agency comments. Applicable comments from previous Preliminary Plan reviews are included and indicated.

**County of Summit Engineer:** Andy Dunchuck, 04/19/2022: *Our office has reviewed the above referenced and attached Replat that is scheduled for the April 28th SCPC meeting and the plat is acceptable as submitted.*

**Staff Comments:**

**Recommendation:**

**Approve**

Tax Map Department

# HERITAGE CENTRE ALLOTMENT REPLAT NO. 3

CREATING SUBLot A-R3 & A-R4 FROM SUBLot A-R2 OF THE REPLAT HERITAGE CENTRE ALLOTMENT AS RECORDED IN RECEPTION NUMBER 56565998 OF SUMMIT COUNTY RECORDS.

SITUATED IN THE STATE OF OHIO, COUNTY OF SUMMIT, TOWNSHIP OF COPLEY AND KNOW AS BEING PART OF ORIGINAL LOT NO. 2, OF SAID TOWNSHIP, AND LOCATED IN T2N, R12W OF THE WESTERN RESERVE.

**ACCEPTANCE**  
 WE, THE UNDERSIGNED OWNERS AND HOLDERS OF LEGS AND OTHER INTERESTS IN AND TO THE LANDS EMBRACED WITHIN THIS SUBDIVISION, DO HEREBY DECARE AND AGREE TO BE QUIET IN ACT AND DEED, AND DO HEREBY ACKNOWLEDGE THE MAKING AND SIGNING OF THE FOREGOING INSTRUMENT TO BE THEIR FREE ACT AND DEED. THE INTERESTS OF EASEMENTS AS SHOWN UPON THIS PLAN.

**OWNERS**  
 OO: Copley Land, LLC  
 REPRESENTATIVE \_\_\_\_\_ PRINTED NAME \_\_\_\_\_  
 REPRESENTATIVE \_\_\_\_\_ PRINTED NAME \_\_\_\_\_  
 STATE OF \_\_\_\_\_  
 COUNTY OF \_\_\_\_\_

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY APPEARED THE REPRESENTATIVE, WHO ACKNOWLEDGED THE MAKING AND SIGNING OF THE FOREGOING INSTRUMENT TO BE THEIR FREE ACT AND DEED. IN TESTIMONY WHEREOF, I HAVE HEREBY SET MY HAND AND OFFICIAL SEAL AT \_\_\_\_\_ OHIO, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_.

NOTARY PUBLIC \_\_\_\_\_  
 MY COMMISSION EXPIRES \_\_\_\_\_

**SURVEY REFERENCES**

1. Replat of Heritage Centre Allotment - Colinet "A", Sides 614-611, Colinet "A", Sides 610 Doc. No. 54474532 - Dated: March 21, 2000.
2. Heritage Woods Phase 1 - Improvement Plans - SUM-77/8-2321/35
3. Right of Way Plans - State of Ohio Dept. of Transportation - SUM-77/8-2321/35
4. Plat of Survey for Louis Sile - Prepared by Spagnuolo & Associates - Dated June, 1987.
5. Plat of Survey for Louis Sile - Prepared by Nicholas A. Spagnuolo - Dated November, 1986.
6. Heritage Centre Allotment Report - Document No. 56531923 - Dated September 12, 2017.
7. Heritage Centre Allotment Report - Document No. 56531923 - Dated September 12, 2017.
8. Heritage Centre Allotment Report - Lots C-R & D - ALTY/NSPS Land Title Survey
9. Prepared by Neff & Associates - Dated July, 2018.
10. Heritage Centre Allotment Report - Pre-dedicating Col-D-De-Sec & Creating Lots OR-1 through OR-4 - Document No. 56531923 - Dated August 12, 2018.

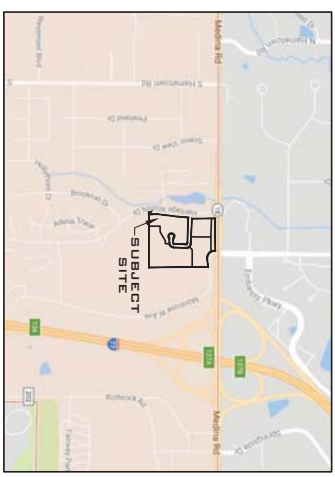
**BASIS OF BEARING**

Distances shown herein are given in feet and decimal parts thereof. The basis of bearings for this survey is Grid North of the NAD83 (GCRS86), Ohio State Plane, North Zone (3401) as established by GPS observations and the bearings shown herein are used to denote angles only.

**CERTIFICATE OF SURVEYOR**

This plat and the survey on which it is based was prepared in accordance with and satisfy the minimum standards for boundary surveys in the State of Ohio, as codified in Chapter 4733-37 of the Ohio Administrative Code in effect at the time. I hereby state to the best of my professional knowledge, information and belief, all to be correct. Field work performed in January 2021.

Steven J. Matcal \_\_\_\_\_ Date \_\_\_\_\_  
 Registered Surveyor No. 8822-Ohio



**AREA SUMMARY**

LOT A-R3 2,371.6 ACRES  
 LOT A-R4 1,163.2 ACRES  
 TOTAL - 3,534.8 ACRES

**APPROVALS**

APPROVED BY ORDINANCE NO. \_\_\_\_\_ OF THE COUNCIL OF SUMMIT COUNTY, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

COUNCIL PRESIDENT \_\_\_\_\_ PRINTED NAME \_\_\_\_\_  
 CLERK OF COUNCIL \_\_\_\_\_ PRINTED NAME \_\_\_\_\_

APPROVED BY COUNTY OF SUMMIT - COUNTY ENGINEER, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

SUMMIT COUNTY ENGINEER \_\_\_\_\_ PRINTED NAME \_\_\_\_\_

APPROVED BY THE COUNTY OF SUMMIT - COUNTY EXECUTIVE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

SUMMIT COUNTY EXECUTIVE \_\_\_\_\_ PRINTED NAME \_\_\_\_\_

APPROVED BY THE TOWNSHIP OF COPLEY, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

TOWNSHIP INSPECTOR \_\_\_\_\_ PRINTED NAME \_\_\_\_\_

SERVICE DIRECTOR \_\_\_\_\_ PRINTED NAME \_\_\_\_\_

**DRAINAGE MAINTENANCE ASSESSMENT NOTE:**

All fee holders and all receiving title to the fee through them are subject to payment of the drainage maintenance fees assessed or to be assessed to the County pursuant to O.R.C. 6137 and following.

Fiscal Officer's Stamp

Recording Department's Stamp

DATE	02/16/22	DESCRIPTION	Planning Commission Submitted
DATE		DESCRIPTION	
DATE		DESCRIPTION	
DATE		DESCRIPTION	
DATE		DESCRIPTION	

SHEET NO. 1 OF 2







Planning Commission  
**Zoning Map Amendment**

Copley Township

## EXECUTIVE SUMMARY

<b>Meeting:</b>	April 28, 2022	<b>Proposed Zoning:</b>	PDD; Medium High Residential Use
<b>Item No.:</b>	3	<b>Council Dist.:</b>	District 5
<b>Current Zoning:</b>	PDD; Office, Retail, Personal Services	<b>Processor:</b>	Stephen Knittel

**Parcel Number:**

**Location:**

**Proposal:**

*“The eastern adjacent parcel is zoned the POD Medium High residential. The adjacent south parcel has the higher density residential active adult housing. Having this parcel included in that Medium High residential use is a much better harmonious fit since its abutting and cornered in by those existing residential uses.”*

**Zoning:**

See attachments for zoning maps.

Direction	Zoning	Land Use	Jurisdiction

**Future Land Use Plan:**

**Current Zoning:**

: <https://www.copley.oh.us/>

**STAFF REVIEW**

*Is the proposed zoning change reasonable given the nature of the surrounding area?*

*Can the property reasonably be used as currently zoned?*

3. *Is the proposed Map Amendment consistent with the objectives and goals of the Comprehensive Plan?*
  
4. *Is the proposed zoning change consistent with the stated purpose and intent of the zoning resolution and the applicable districts?*
5. *How will the proposed zoning change impact public services and facilities? The proposed zoning should not impact public services and facilities.  
How will the proposed zoning change impact traffic, especially traffic safety? The proposed change should not have an impact on traffic nor traffic safety.*
7. *Will the proposed zoning change adversely affect adjoining properties?*

*Is this an appropriate location for the proposed use or are there other available locations better suited for it?*

*Will the proposed zoning change, change the character of the neighborhood?*

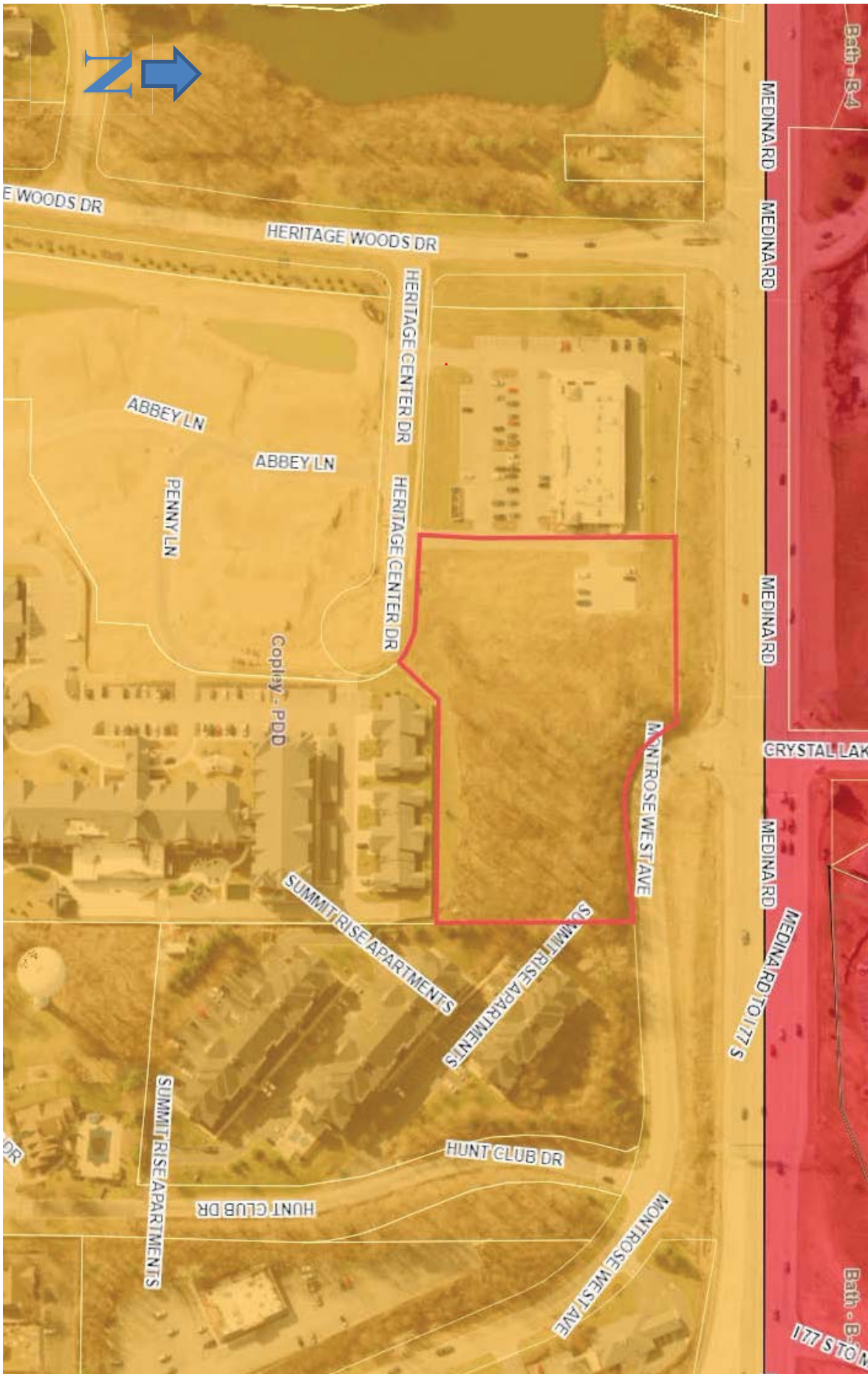
*Has there been a change in conditions that renders the original zoning inappropriate?*

**Staff Comments:**

- 
- 
- 

**Recommendation:** Staff recommends APPROVAL.







**COPLEY TOWNSHIP**  
*Zoning Commission & Board of Trustees*  
**MAP AMENDMENT APPLICATION**

**\$500 NON-REFUNDABLE FEE DUE UPON SUBMITTAL**

Address/Parcel of Subject Site: The 2.37 acre eastern portion of parcel number 1702658

Landowner: OCG Copley Land LLC

Applicant: OCG Copley Land LLC by James Martynowski

Address of Applicant: 7670 Tyler Blvd, Mentor Ohio 44060

Email of Applicant: James@osbornecapital.com

Telephone of Applicant: 440-951-2977 / cell 216-272-1240

Current Zoning Classification: PDD; Office, Retail, Personal Services Proposed Rezoning: PDD; Medium High

- A map of the lot(s) and surrounding area must be included with this application.

The existing zoning of the land is unreasonable because: \_\_\_\_\_

The eastern adjacent parcel is zoned the PDD Medium High residential. The adjacent south parcel has the higher density residential active adult housing. Having this parcel included in that Medium High residential use is a much better harmonious fit since its abutting and cornered in by those existing residential uses.

The rezoning would be better because: \_\_\_\_\_

See the above response.

Additional information: The parcel is vacant today. The Proposed use is apartments.

List All Abutting Property Owners (name, address, city, state and zip code):

See Exhibit D

See also; Exhibit A is the surrounding parcel aerial. Exhibit B is the proposed lot split for the 2.3716 acre Lot A-R3. Exhibit C is the legal description for the proposed 2.3716 acre Lot A-R3. Exhibit E is the PDD district map with parcel highlighted. Exhibit F is Conceptual Site Plan.

Owner's Signature:  Date: 2-21-22

Print Name: Lance Osborne

Applicant's Signature:  Date: 2-21-22

Print Name: James Martynowski

**\*\*\*\*\*TOWNSHIP USE ONLY\*\*\*\*\***

Township Official Receiving Application: \_\_\_\_\_

Date Received: \_\_\_\_\_ Fee Received: \_\_\_\_\_

Exhibit A

Arrow indicates the proposed 2.37 acre parcel to be rezoned from PDD Office, Retail, Personal Services to PDD Medium High.



# HERITAGE CENTRE ALLOTMENT REPLAT NO. 3

CREATING SUBLLOT A-R3 & A-R4 FROM SUBLLOT A-R2 OF THE REPLAT HERITAGE CENTRE ALLOTMENT AS RECORDED IN RECEPTION NUMBER 56565998 OF SUMMIT COUNTY RECORDS.

SITUATED IN THE STATE OF OHIO, COUNTY OF SUMMIT, TOWNSHIP OF COPLEY AND KNOW AS BEING PART OF ORIGINAL LOT NO. 2, OF SAID TOWNSHIP, AND LOCATED IN T2N, R12W OF THE WESTERN RESERVE.

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 WE, THE UNDERSIGNED OWNERS AND HOLDERS OF LEGS AND OTHER INTERESTS IN AND TO THE LANDS EMBRACED WITHIN THIS SUBDIVISION, DO HEREBY DECARE AND DEED, AND DO HEREBY ACCEPT AND CONSENT TO THE FOREGOING INSTRUMENT TO BE THEIR FREE ACT AND DEED. THE EXISTING AND CREATION OF EASEMENTS AS SHOWN UPON THIS PLAT.

**OWNERS**  
 OCO Copley Land, LLC

**WITNESSES**

REPRESENTATIVE \_\_\_\_\_ PRINTED NAME \_\_\_\_\_

REPRESENTATIVE \_\_\_\_\_ PRINTED NAME \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY APPEARED THE REPRESENTATIVE, WHO ACKNOWLEDGED THE MAKING AND SIGNING OF THE FOREGOING INSTRUMENT TO BE THEIR FREE ACT AND DEED. IN TESTIMONY WHEREOF, I HAVE HEREBY SET MY HAND AND OFFICIAL SEAL AT \_\_\_\_\_ OHIO, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_.

NOTARY PUBLIC \_\_\_\_\_  
 MY COMMISSION EXPIRES \_\_\_\_\_

**SURVEY REFERENCES**

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9. Prepared by Neff & Associates - Dated July, 2018.
10. Heritage Centre Allotment Report - Pre-declaring Col-D-De-Sec & Creating Lots OR-1 through OR-4 - Document No. 56531923 - Dated August 12, 2018.

**BASIS OF BEARING**

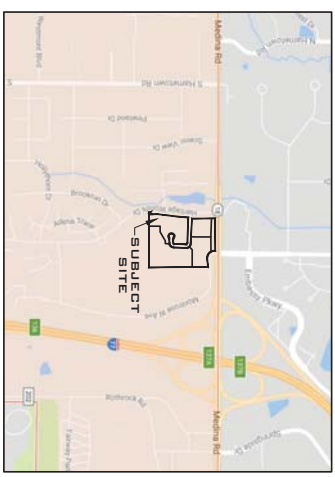
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**CERTIFICATE OF SURVEYOR**

This plat and the survey on which it is based was prepared in accordance with and satisfy the minimum standards for boundary surveys in the State of Ohio, as codified in Chapter 4733-37 of the Ohio Administrative Code in effect at the time.

I hereby state to the best of my professional knowledge, information and belief, all to be correct. Field work performed in January 2021.

Steven J. Matcok \_\_\_\_\_ Date \_\_\_\_\_  
 Registered Surveyor No. 8822-Ohio



**AREA SUMMARY**

LOT A-R3 2,371.6 ACRES  
 LOT A-R4 1,163.2 ACRES  
 TOTAL - 3,534.8 ACRES

**APPROVALS**

APPROVED BY ORDINANCE NO. \_\_\_\_\_ OF THE COUNCIL OF SUMMIT COUNTY.  
 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

COUNCIL PRESIDENT \_\_\_\_\_ PRINTED NAME \_\_\_\_\_  
 CLERK OF COUNCIL \_\_\_\_\_ PRINTED NAME \_\_\_\_\_

APPROVED BY COUNTY OF SUMMIT - COUNTY ENGINEER,  
 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

SUMMIT COUNTY ENGINEER \_\_\_\_\_ PRINTED NAME \_\_\_\_\_

APPROVED BY THE COUNTY OF SUMMIT - COUNTY EXECUTIVE,  
 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

SUMMIT COUNTY EXECUTIVE \_\_\_\_\_ PRINTED NAME \_\_\_\_\_

APPROVED BY THE TOWNSHIP OF COPLEY,  
 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

ZONING INSPECTOR \_\_\_\_\_ PRINTED NAME \_\_\_\_\_

SERVICE DIRECTOR \_\_\_\_\_ PRINTED NAME \_\_\_\_\_

**DRAINAGE MAINTENANCE ASSESSMENT NOTE:**  
 All fee holders and all receiving title to the fee through them are subject to payment of the drainage maintenance fees assessed or to be assessed to the County pursuant to O.R.C. 6137 and following.

Fiscal Officer's Stamp

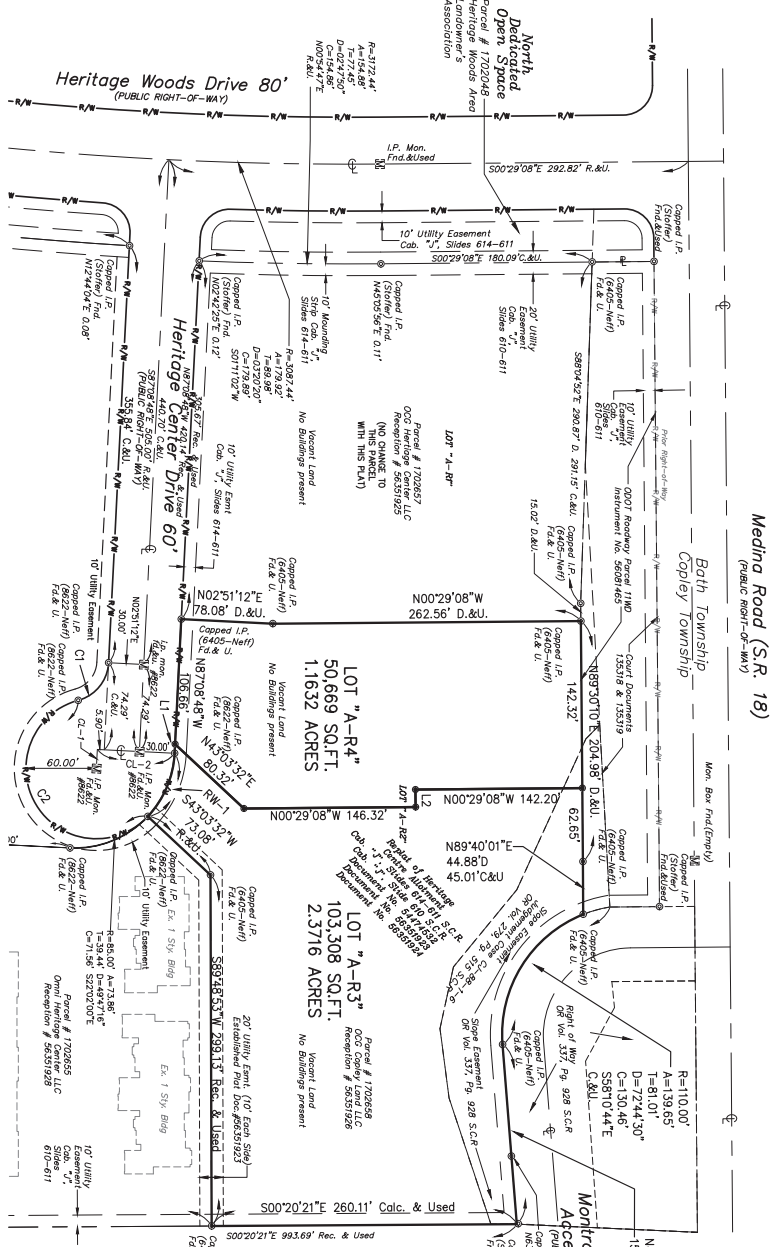
Recording Department's Stamp

DATE	02/10/22	PREPARED BY	DISCUSSION
DATE		REVISION	REVISION
DATE		REVISION	REVISION
DATE		REVISION	REVISION

SHEET NO. 1 OF 2



EXHIBIT B



Medina Road (S.R. 18)  
(PUBLIC RIGHT-OF-WAY)

Copley Township  
Copley Township

LINE & CURVE DATA.

RW-1	CL	R=110.00'
R=85.00'	R=35.00'	A=139.65
L=59.66'	L=44.08'	T=81.01
F=31.11'	D=72.1430°	D=130.40'
G=38.44'	C=41.23°	S=170.44°E
S=70.228'E	NS103.46°W	
C2	R=60.00'	S=708.48°E
L=221.96'	L=16.14'	
D=211°57'17"	CL-2	S0725'12"W
C=115.36'		65.90'
NS9702.38'E		

AREA SUMMARY

LOT A-R3  
2.3716 ACRES  
LOT A-R4  
TOTAL - 3.5353 ACRES

APPROVALS

APPROVED BY THE COUNTY OF SUMMIT - COUNTY PLANNING COMMISSION  
THIS \_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

APPROVED BY THE TOWNSHIP OF COPLEY  
THIS \_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

DIRECTOR OF COMMUNITY & ECONOMIC DEVELOPMENT  
PRINTED NAME \_\_\_\_\_

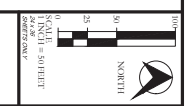
LEGEND

@ Non Pin or Pipe found as described  
M Monument Box and Pin found as described  
7/8"x30" Non Pin capped with 1/4" ABSOC-9022 S&I

ABBREVIATIONS

ASHPLT ASPHALT  
CENR LINE CENTER LINE  
S&P SWAINT COUNTY RECORDS  
S&P SWAINT PLAT RECORDS  
EX. EXISTING  
F.D. FINISHED  
HSTR INSTRUMENT  
NSTR. NORTH

REVISION	DATE	DESCRIPTION	BY	CHK	CHECKED
	02/10/22	Printing Commission Submission			
		DISTRIBUTION			





## EXHIBIT C

Civil Engineers + Landscape Architects + Planners + Surveyors

### Legal Description

### Heritage Centre Allotment Replat No. 3

### Parcel "A-R3"

File No. 14063H-LD001

February 2022

Page 1 of 3

Situated in the Township of Copley, County of Summit, State of Ohio and known as being part of Lot A-R2 of the Replat of Heritage Centre Allotment as recorded in Document Nos. 54474532, 56351923, 56351924 of Summit County Records being of part of Copley Township Lot No. 2, T2N, R12W, as shown by the plat recorded in Plat Cabinet J, Slides 610-611 of Summit County Records and is further bounded and described as follows:

Beginning at the intersection of the centerline of Heritage Woods Drive (80 Feet wide) and the centerline of Heritage Center Drive (60 Feet wide);

Thence South  $87^{\circ}08'48''$  East, along the centerline of said Heritage Center Drive, a distance of 505.00 feet to a  $5/8''$  iron pin in monument box;

Thence North  $02^{\circ}51'12''$  East, a distance of 30.00 feet to a point on the Northerly right of way for said Heritage Center Drive and being a Southwesterly corner of a said Lot A-R2 in the Replat of Heritage Centre Allotment and witnessed by a capped iron pin found (Neff-Metcalf-8622);

Thence North  $87^{\circ}08'48''$  West, a distance of 7.81 feet to a point on the Northerly right of way for said Heritage Center Drive and the principal place of beginning of lands herein described;

Course 1 Thence North  $43^{\circ}03'32''$  East, a distance of 80.32 feet to a  $5/8''$  iron pin set;

Course 2 Thence North  $00^{\circ}29'08''$  West, a distance of 146.32 feet to a  $5/8''$  iron pin set;

Course 3 Thence South  $89^{\circ}30'52''$  West, a distance of 14.95 feet to a  $5/8''$  iron pin set;

Course 4 Thence North  $00^{\circ}29'08''$  West, a distance of 142.20 feet to a  $5/8''$  iron pin found (Neff-7065) at the Southwesterly corner of a parcel of land conveyed to the State of Ohio by deed recorded in Instrument No. 56081465 of Summit County Records;

Course 5 Thence North  $89^{\circ}30'10''$  East, along the Southerly line of said State of Ohio Parcel, a distance of 62.65 feet to a  $5/8''$  iron pin found (Neff-7065);

Legal Description

**Heritage Centre Allotment Replat No. 3**

**Parcel "A-R3"**

File No. 14063H-LD001

February 2022

Page 2 of 3

- Course 6 Thence North 89°40'01" East, along the Southerly line of said State of Ohio Parcel, a distance of 44.88 feet to a 5/8" iron pin found (Neff-7065) found on the westerly right of way line of Montrose West Avenue Access (70 feet wide) as conveyed in O.R. Volume 337, Page 923, of Summit County Records;
- Course 7 Thence Southeasterly, by the arc of a curve deflecting to the left on the Easterly line of said line of Montrose West Avenue Access Rd., a distance of 139.65 feet. Said arc having radius of 110.00 feet, a central angle of 72°44'30" and a chord which bears South 58°10'44" East, a distance of 130.46 feet to a 5/8" iron pin found (Neff-7065);
- Course 8 Thence North 85°26'56" East, along the Southerly line of said Montrose West Avenue Access Rd., to the Northwesterly corner of a parcel of land conveyed to Summit Rise, LLC by deed recorded in Reception No. 55236819 of Summit County Records and witnessed by a capped iron pin "Spagnuolo" found North 20°42'42" West, a distance of 1.25 feet;
- Course 9 Thence South 00°20'21" East, along the Westerly line of said Summit Rise, LLC parcel, a distance of 260.11 feet to a 5/8" iron pin found (Neff-7065) at the Northeasterly corner of a parcel of land conveyed to the Omni Heritage Center LLC by deed recorded in Instrument No. 56351928 of Summit County Records;
- Course 10 Thence South 89°48'53" West, along said Omni Heritage Center lands, a distance of 299.13 feet to a 5/8" iron pin found (Neff-7065);
- Course 11 Thence South 43°04'00" West, a distance of 73.08 feet to a 5/8" iron pin found (Neff-7065) on the Northerly right of way of said Heritage Center Drive;
- Course 12 Thence Northwesterly by the arc of a curve deflecting to the left along the Northerly right of way of said Heritage Center Drive, a distance of 59.66 feet to a (Neff-Metcalf-8622) at the point of tangency. Said arc having a radius of 85.00 feet, a central angle of 40°12'49" and a chord which bears North 67°02'28" West, a distance of 58.44 feet;



Legal Description

**Heritage Centre Allotment Replat No. 3**

**Parcel "A-R3"**

File No. 14063H-LD001

February 2022

Page 3 of 3


Course 13 Thence North 87°08'48" West, a distance of 7.81 feet to a point on the Northerly right of way for said Heritage Center Drive and being the to the principal place of beginning and containing **2.3716 Acres (103,308 Square Feet) of land** according to a survey made as surveyed by Steven J. Metcalf, Registered Surveyor No. 8622-Ohio of Neff and Associates, Dated February, 2022.

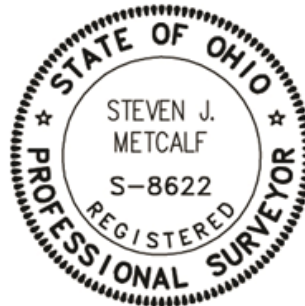
Monuments described as "5/8" iron pin set" are 5/8" x 30" rebar capped "Neff & Assoc.—Metcalf- 8622"

Basis of bearing for this survey is Grid North of the NAD83 (CORS96), Ohio State Plane, North Zone (3401) as established by GPS observations and is used to denotes angles only.

Be the same more or less, but subject to all legal highways and easements of record.

Note: The above-described premises is further known as " Parcel "A-R3"" in the Heritage Centre Allotment Replat No. 3 recorded in Document No. \_\_\_\_\_ of Summit County Records.

  
\_\_\_\_\_  
Steven J. Metcalf  
Registered Surveyor No. 8622-Ohio



Contiguous Property Owners

EXHIBIT D



Contiguous Property Owners

- 1) Parcel 1702657  
OCG HERITAGE CENTER LLC  
7670 TYLER BLVD  
MENTOR, OH 44060
- 2) Parcel 1702663  
OMNI HERITAGE VILLAS LLC  
23205 MERCANTILE RD  
CLEVELAND, OH 44122
- 3) Parcel 1702655  
OMNI HERITAGE CENTER LLC  
33095 BAINBRIDGE RD  
SOLOIN, OH 44139
- 4) Parcel 1702256  
SUMMIT RISE APARTMENTS LLC  
54 HUNT CLUB DR  
COPLEY, OH 44321
- 5) Parcel 7800100  
RHD FAIRLAWN LLC  
4080 EMBASSY PKWY  
AKRON, OH 44333
- 6) Parcel 0406813  
CITY OF AKRON  
166 S HIGH ST #508  
AKRON, OH 44308
- 7) Parcel 0406812  
SYMPHONY FINANCIAL SERVICES RE LLC  
4100 EMBASSY PKWY # 110  
AKRON, OH 44333
- 8) Parcel 0406745  
AKRON GENERAL MEDICAL CENTER  
C/O: CBRE, INC.  
1950 RICHMOND RD TR103  
CLEVELAND, OH 44124

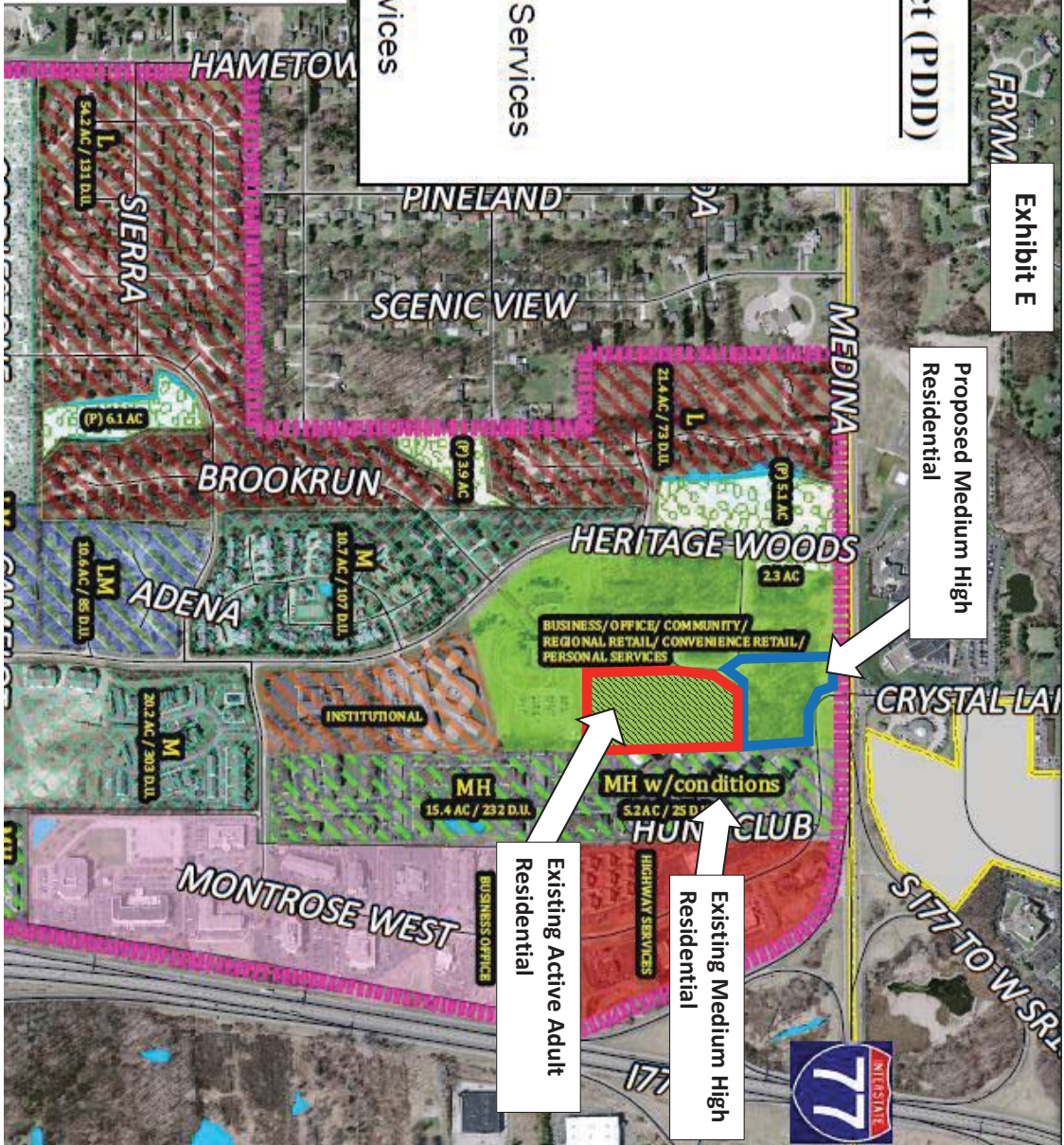
Exhibit E

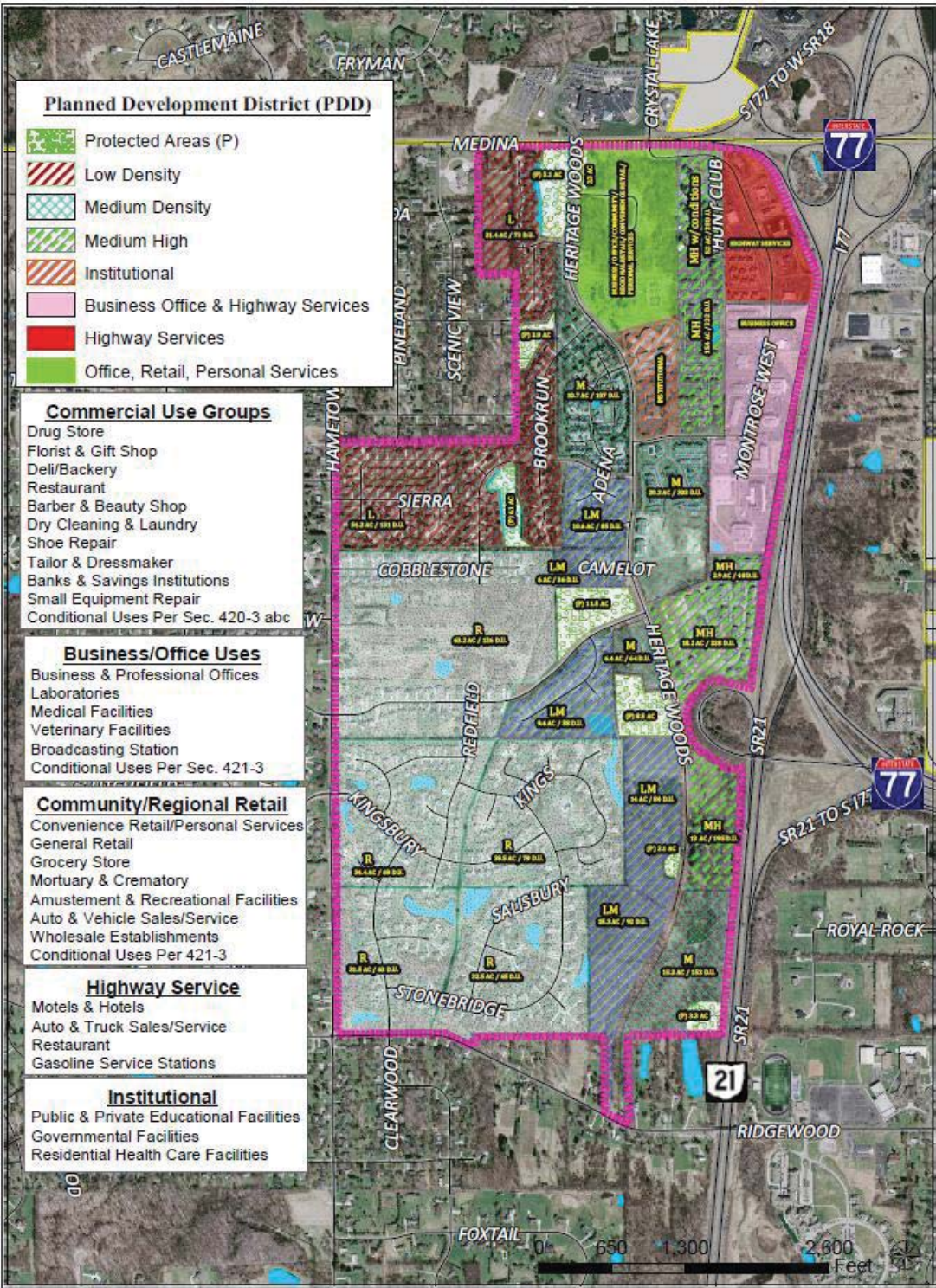
### Planned Development District (PDD)

	Protected Areas (P)
	Low Density
	Medium Density
	Medium High
	Institutional
	Business Office & Highway Services
	Highway Services
	Office, Retail, Personal Services

### Commercial Use Groups

- Drug Store
- Florist & Gift Shop
- Deli/Backery
- Restaurant
- Barber & Beauty Shop
- Dry Cleaning & Laundry
- Shoe Repair
- Tailor & Dressmaker





**Planned Development District (PDD)**

- Protected Areas (P)
- Low Density
- Medium Density
- Medium High
- Institutional
- Business Office & Highway Services
- Highway Services
- Office, Retail, Personal Services

**Commercial Use Groups**

- Drug Store
- Florist & Gift Shop
- Deli/Backery
- Restaurant
- Barber & Beauty Shop
- Dry Cleaning & Laundry
- Shoe Repair
- Tailor & Dressmaker
- Banks & Savings Institutions
- Small Equipment Repair
- Conditional Uses Per Sec. 420-3 abc

**Business/Office Uses**

- Business & Professional Offices
- Laboratories
- Medical Facilities
- Veterinary Facilities
- Broadcasting Station
- Conditional Uses Per Sec. 421-3

**Community/Regional Retail**

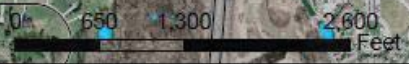
- Convenience Retail/Personal Services
- General Retail
- Grocery Store
- Mortuary & Crematory
- Amusement & Recreational Facilities
- Auto & Vehicle Sales/Service
- Wholesale Establishments
- Conditional Uses Per 421-3

**Highway Service**

- Motels & Hotels
- Auto & Truck Sales/Service
- Restaurant
- Gasoline Service Stations

**Institutional**

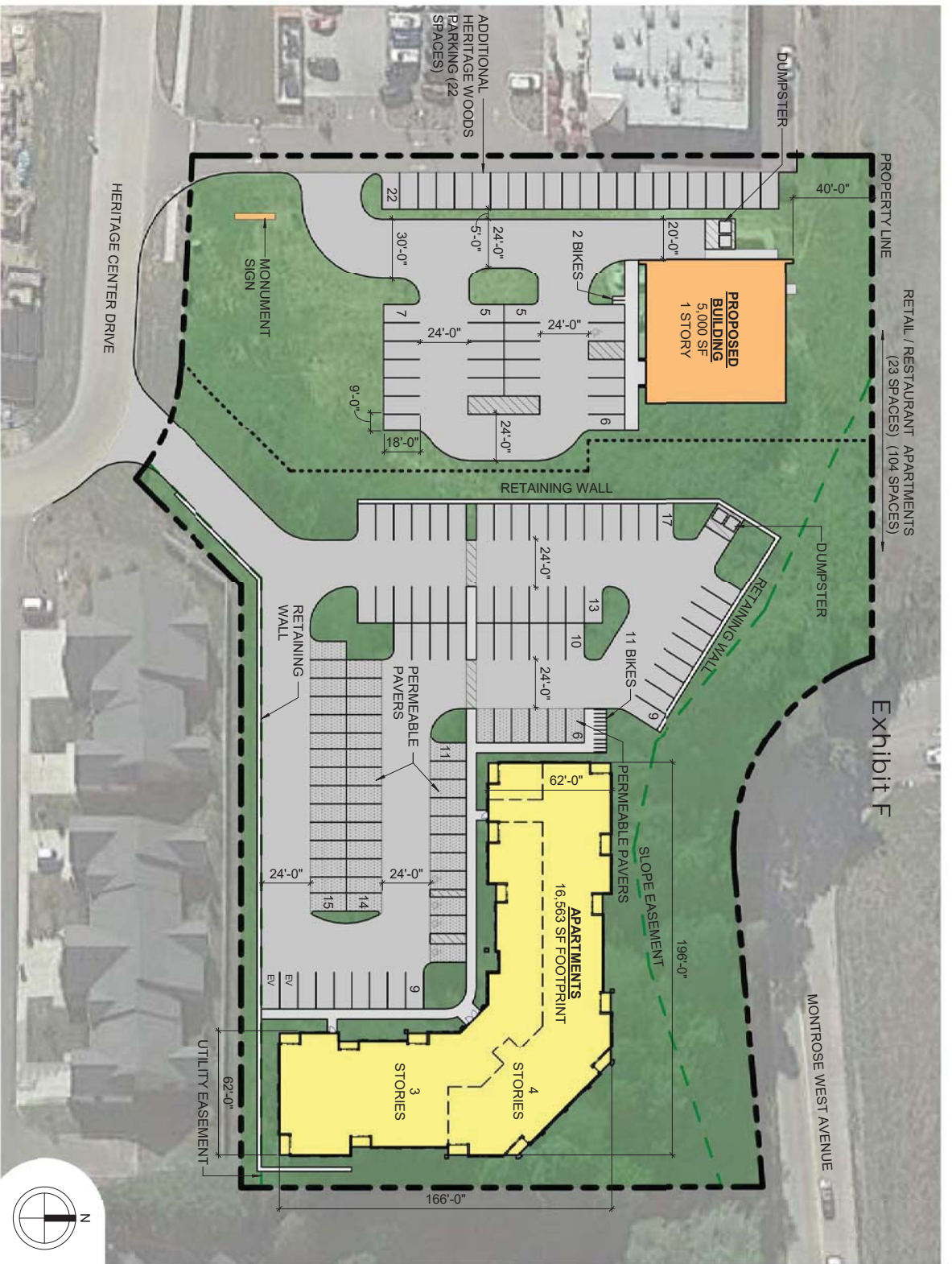
- Public & Private Educational Facilities
- Governmental Facilities
- Residential Health Care Facilities



PROPERTY LINE  
 RETAIL / RESTAURANT APARTMENTS  
 (23 SPACES) (104 SPACES)

Exhibit F

MONTROSE WEST AVENUE



## BUILDING & SITE INFORMATION

**PROJECT LOCATION**  
 STATE: OHIO  
 COUNTY: SUMMIT  
 CITY: CORLEY  
 PARCEL NUMBER: 1702658  
 ZONING DISTRICT: PDD (PLANNED DEVELOPMENT DISTRICT)

**ZONING CODE REQUIREMENTS**  
 SITE AREA (TOTAL): 3.53 ACRES  
 SETBACKS FROM STREET: 60'  
 SIDE: 15'

**PROPOSED APARTMENT BUILDING**  
 HEIGHT: 40' (PARKING SIDE)  
 AREA BREAKDOWNS  
 APARTMENTS: 7,764 SF (6 UNITS)  
 LOWER LEVEL: 16,563 SF (14 UNITS)  
 SECOND FLOOR: 16,522 SF (16 UNITS)  
 THIRD FLOOR: 16,522 SF (16 UNITS)  
 TOTAL: 57,371 SF (62 UNITS)

**APARTMENT PARKING**  
 REQUIRED (VEHICLE)  
 2 PER APARTMENT UNIT: 104 SPACES  
 PROVIDED (VEHICLE)  
 ACCESSIBLE: 4 SPACES  
 STANDARD: 100 SPACES  
 TOTAL: 104 SPACES  
 REQUIRED (BICYCLE)  
 1 SPACE PER 5 APT. UNITS: 11 SPACES  
 PROVIDED (BICYCLE): 11 SPACES  
 \* (2) E.V. CHARGING STATIONS PROVIDED





County of Summit - The High Point of Ohio  
*Planning Commission*  
Zoning Text Amendment  
**Performance Bonds**  
Northfield Center Township

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**Item No.:** 4  
**Meeting:** April 28, 2022  
**Applicant:** Northfield Center Zoning Commission  
**Proposal:** Performance Bonds  
**Processor:** Stephen Knittel

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**Proposal:** The applicant has proposed that the Northfield Center Township Zoning Resolution be revised to add new definition of Performance Bond, and to add language to Chapter 530 "Board of Zoning Appeals" about Performance Bonds.

**Proposed Text Amendments:**

**Recommendation:** Staff recommends to the Summit County Planning Commission that the proposed text amendments be **APPROVED**.



*Planning Commission*  
Zoning Text Amendment  
**Business Residential**  
Northfield Center Township

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**Item No.:** 5  
**Meeting:** April 28, 2022  
**Applicant:** Northfield Center Zoning Commission  
**Proposal:** Business Residential  
**Processor:** Stephen Knittel

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**Proposal:** The applicant has proposed that the Northfield Center Township Zoning Resolution be revised to provide a add chapter 351 Business-Residential District (B-R) and to remove the B-R District language from chapter 350. Chapter 351 B-R district will allow professional, administrative, and executive offices that are compatible with residential uses, and which serve as transitional areas between more intensive land uses such as major thoroughfares and/or commercial districts, and less intensive uses such as single-family residential developments.



**Proposed Text Amendments:**

**CHAPTER 350  
Commercial District Regulations**

350.01	Purpose.	350.09	Supplemental building requirements for T-C District.
350.02	Use regulations.	350.10	Dwelling unit requirements.
350.03	Schedule of permitted uses.	350.11	Accessory use regulations.
350.04	Lot requirements.	350.12	Landscaping and screening requirements.
350.05	Building spacing requirements.	350.13	Supplemental regulations for gasoline stations.
350.06	Height regulations.	350.14	Performance standards.
350.07	Parking setback requirements.	350.15	Development plan review.
350.08	<del>Reserved. Supplemental building requirements for B-R Districts.</del>		

**Sec. 350.01 PURPOSE.**

Commercial Districts (~~B-R~~, T-C, C-1, and C-4) and their regulations are established in order to achieve, among others, the following purposes:

- A. To provide in appropriate and convenient locations sufficient areas for business activities and the exchange of goods and services.
- B. To protect residential neighborhoods adjacent to commercial uses by restricting the types of establishments, particularly at the common boundaries, that would create congestion, noise or other objectionable influences.
- C. To protect and stabilize both residential and nonresidential developments from congestion by requiring off-street parking facilities.
- ~~D. To provide a Business Residential District (B-R) that allows professional, administrative and executive offices that are compatible with residential uses, and which serve as transitional areas between more intensive land uses such as major thoroughfares and/or commercial districts, and less intensive uses such as single family residential developments. The regulations are intended to ensure that nonresidential buildings are constructed in a manner that is compatible with the primarily residential character of the area. It is recognized that some dwelling units within this district may be converted to office uses.~~
- E.D. To provide a Town Center District (T-C) that encourages a mix of uses in a compact, yet cohesive, town "center" environment that has a pedestrian orientation. The regulations are intended to promote, reinforce and maintain the small-town character of Northfield Center Township.
- F.E. To provide Retail Commercial Districts (C-1) for certain retail and personal service establishments and to ensure that these areas are developed in a manner that is appropriate for locations abutting residential areas. The regulations are

intended to encourage groupings of establishments attached and/or unattached, located in a unified environment.

G.F. To provide a Planned Shopping Center District (C-4) for large-scale shopping development in locations that are adequately served by major streets and other facilities. This district is established to encourage the grouping of retail, office, and entertainment establishments.

H.G. To promote the most desirable and beneficial use of the land in conformity with the Comprehensive Plan.

**Sec. 350.02 USE REGULATIONS.**

- A. A use listed in Schedule 350.03 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other township resolutions and this Zoning Resolution have been met.
- B. A use listed in Schedule 350.03 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Board of Zoning Appeals first makes the determination that the requirements of Chapter 390 have been met according to the procedures set forth in Chapter 630.
- C. A use listed below shall be permitted as an accessory use in a commercial district. Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections, as noted below.
  - 1. Off-street parking and loading areas as regulated by Section 350.07 and Chapter 410.
  - 2. Signs as regulated by Chapter 420.
  - 3. Other uses of land or buildings that are clearly incident and subordinate to the principal use.
- D. Although a use may be indicated as permitted in a particular commercial district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Zoning Resolution applicable to the specific use and parcel in question. Any use that is not specifically listed as either a permitted principal or conditional use or that does not meet the requirements for an accessory use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Resolution and/or the Zoning Map as provided in Chapter 660 or upon a finding that a use is substantially similar as provided in Section 630.13.

**Sec. 350.03 SCHEDULE OF PERMITTED USES, *Amended via Resolution No. 01/8-6g, No. 05/09/12a, 12/02-27a, and No. 15/07-06F***

Permitted Uses	B-R Business Residential	T-C Town Center	C-1 Retail Com.	C-4 Planned Shopping Center
<b>A. Residential</b>				
1. Single-family detached dwelling unit	P		C	
2. Two-family dwelling	P		C	
3. Multi-family dwelling with not more than 4 units in one building			P	
4. Planned residential development according to Chapter 320				P
5. Residential units above first floor of a building devoted to a non-residential use	P	P	P	
6. Bed and breakfast home	P			
7. Congregate care facility	C			
<b>B. Offices</b>				
1. Medical or dental office or clinic	P	P	P	P
2. Administrative, business or professional office	P	P	P	P
3. Financial establishment, bank		P	P	P
<b>C. Retail/Services</b>				
1. Retail use in wholly enclosed building		P	P	P
2. Long-term outdoor display		C	C	
3. Seasonal sales, temporary sidewalk sales		C	C	C
4. Personal service such as barber shop, beauty shop, dry-cleaning laundry, shoe repair, tanning salons, nail salons, reducing salons, and physical fitness centers.		P	P	C
5. Funeral home			P	
6. Restaurant, eating and drinking establishment	C	C	C	C
7. Studio for instruction such as dance, karate, art	C	C	P	
8. Hotel, motel				C
9. Party center and banquet hall			C	
10. Dog grooming – no kennel		P	P	
11. Veterinary clinic		C	C	
12. Drive-thru facility in association with a principal use			C	C
13. Internet Sweepstakes Café (Amend. via Res. 12/02-26a)				
P = Principal use permitted by right C = Conditional use Blank cell indicates the use is not permitted in the district				

D. Auto Oriented				
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14. Vehicle sales, rental, new and/or used				C
15. Parking garage, lot, deck			P	P
16. Gasoline station		C	P	
17. Automobile service station			P	
18. Car wash		C	C	
19. Small engine repair (20 hp)			P	
<b>E. Community Facilities</b>				
1. Church or other place of worship	Ⓔ	C	C	
2. Elementary and/or secondary school facility, public or private		C	P	
3. Library, museum or similar cultural facility		P	P	
4. Meeting facility for fraternal organization, or community organization, i.e. YMCA	Ⓔ	C	C	
5. Indoor recreational and entertainment such as bowling alley, indoor theater		C	C	
6. Public safety facility	Ⓔ	C	C	
7. Public service facility			C	
8. Wireless telecommunication facilities and antenna	See Chapter 450			
P = Principal use permitted by right C = Conditional use Blank cell indicates the use is not permitted in the district				

**Sec. 350.04 LOT REQUIREMENTS.**

Lots in commercial districts shall comply with the following

- A. Minimum Requirements. Minimum lot and project area requirements are set forth in Schedule 350.04 below.

B. One Building Per Lot.

1. Nonresidential Uses. One principal building shall be permitted on a lot.
2. Residential Dwellings. In a B-R or C-1 district, only one dwelling shall be permitted on a lot.

Amended via Resolution No. 18/10-01 A

~~Maximum Building Floor Area. In a B-R district, the total floor area of buildings occupied with a nonresidential use shall not exceed 5,000 square feet per acre.~~

- C. Access to C-4 or I-1 District. Access to nonresidential development in a C-4 or I-1 District shall not be provided from a local residential street.

D. Schedule 350.04:

Minimum Requirements	B-R Business Residential	T-C Town Center	C-1 Retail Com.	C-4 Planned Shopping Center
1. Project size	--	--	--	25 acres
2. Minimum lot size except as otherwise set forth below for residential uses	<del>25,000 sq.ft.</del>	25,000 sq.ft.	25,000 sq.ft.	--
a) Single-family dwelling	<del>25,000 sq.ft.</del>	NP	25,000 sq.ft.	NP
b) Two-family dwelling	<del>25,000 sq.ft.</del>	NP	25,000 sq.ft.	NP
c) Multi-family dwelling	NP	NP	40,000 sq.ft.	NP
3. Lot width at building line	<del>100 ft.</del>	100 ft.	100 ft.	--
4. Street frontage	<del>100 ft. (a)</del>	100 ft.	100 ft.	300 ft.
Notes to Schedule 350.04: (a) Except that when a lot fronts on a cul-de-sac, the minimum frontage shall be 50 ft as measured on the arc. NP = Not Permitted				

**Sec. 350.05 BUILDING SPACING REQUIREMENTS.**

Every building shall be located on a lot in compliance with the building spacing regulations set forth in Schedule 350.05:

- A. Setbacks from Public Streets. The setback requirement shall be measured from the right-of-way of the public street.
- B. Schedule 350.05.

Minimum Setbacks/ Spacing Requirements	B-R Business Residential	T-C Town Center	C-1 Retail Com.	C-4 Planned Shopping Center
1. Setback from Public Streets	50 ft.(a)	50 ft.(a)	50 ft.(a)	50 ft. (b)
2. Setback from Side and Rear Lot Lines				
a) Adjacent to non-res. districts	25 ft.	25 ft.	25 ft.	25 ft.
b) Adjacent to O-C, R-1, or R-2 District	50 ft.(e)	50 ft.	50 ft.	100 ft.
3. Spacing between principal buildings on the same lot	20 ft.	20 ft.	20 ft.	20 ft.
Notes to Schedule 350.05: (a) 70 feet on all County and State Roads. (b) 100 feet on Route 82 and Route 8. (c) The minimum setback for single-family and two-family dwellings shall be 25 feet.				

**Sec. 350.06 HEIGHT REGULATIONS.**

All buildings and structures shall comply with the following height regulations.

- A. No buildings shall exceed a height of 35 feet.
- B. Height exceptions are set forth in Sec. 230.06B for appurtenant structures.

**Sec. 350.07 PARKING SETBACK REQUIREMENTS.**

Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified in Schedule 350.07 unless otherwise noted. The area within this setback shall be landscaped in accordance with Chapter 430.

**Schedule 350.07**

	B-R Business Residential	T-C Town Center	C-1 Commercial	C-4 Planned Shopping Center
A. Setback from public street right-of-	same as	30 ft.	30 ft.	30 ft.

	<b>B-R Business Residential</b>	<b>T-C Town Center</b>	<b>C-1 Commercial</b>	<b>C-4 Planned Shopping Center</b>
way	building			
B. Setback from side and rear lot line:				
1. Adjacent to non-residential district	15 ft.	15 ft.	15 ft.	15 ft.
2. Adjacent to O-C, R-1 or R-2 District	25 ft.	25 ft.	25 ft.	100 ft.

**Sec. 350.08 — SUPPLEMENTAL BUILDING REQUIREMENTS FOR B-R DISTRICTS.**

All development in the B-R District shall maintain the existing small scale residential character of the Olde 8 corridor and shall comply with the following building requirements:

- A. — Flat roofs shall not be permitted in the B-R District.
- B. — Mechanical equipment, service areas, and other accessory structures shall be located in the side or rear yard and screened from view from adjacent parcels according to Chapter 430.

**Sec. 350.09 SUPPLEMENTAL BUILDING REQUIREMENTS FOR T-C DISTRICT.**

All development in the T-C District shall comply with the following supplemental building and parking requirements.

- A. Whenever parking is located in front of a building, not more than 50 percent of the area between the parking setback and the building shall be devoted to parking.
- B. The wall of a building that faces a public right-of-way, that is within 45 degrees of facing a public right-of-way, or that faces a parking area shall comply with the following:
  - 1. A minimum of 50 percent of such ground floor wall area shall have display-type windows. The bottom edge of such window shall not be higher than three (3) feet above grade. A maximum of 20 percent of such windows may be opaque.
  - 2. Walls shall have no more than 20 feet of contiguous wall length devoid of windows, on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays or an undulation of the building.
- C. Flat roofs shall not be permitted in the T-C District.

- D. No use, change of use (except for oil and gas wells which shall be exempt from the site plan review) shall be permitted until such use has received written site plan approval from the Township Zoning Commission. Any modifications or alterations which deviate from the final site plan shall require additional review. All uses are subject to Local, State and Federal Regulations.

Adopted via Resolution No. 18/10-01 A

**Sec. 350.10 DWELLING UNIT REQUIREMENTS.**

- A. Required Area. Each dwelling unit shall comply with the minimum floor area requirements set forth in Schedule 350.10, based on the type of dwelling unit. In computing the required floor area, the area of breezeways, unfinished basements, garages, and other similar accessory structures shall not be included.
- B. Schedule 350.10 Minimum Floor Area Per Dwelling Unit.

Type of Dwelling Unit	Minimum Floor Area
1. Single-Family Unit	
a) Total floor area per dwelling unit	1,500 sq. ft.
b) 1 <sup>st</sup> floor of a one and a half story, two-story or multi-level dwelling	1,000 sq. ft.
2. Two-Family Unit	1,000 sq. ft.
3. Dwelling unit in a multi-family dwelling or above the first floor of a building devoted to a nonresidential use	
a) Efficiency suites	500 sq. ft.
b) One-bedroom unit	650 sq. ft.
c) Two-or more bedroom unit	900 sq. ft. plus 300 sq. ft for every bedroom over two

**Sec. 350.11 ACCESSORY USE REGULATIONS.**

Accessory uses permitted in any Commercial District shall conform to the regulations of this Section.

- A. Residential Accessory Buildings and Uses. Accessory buildings and accessory uses associated with residential uses, in districts where residential uses are permitted, shall comply with the accessory use regulations set forth in Section 310.08.

B. Non-Residential Accessory Uses, Buildings and Structures. Accessory uses, buildings and structures associated with nonresidential uses shall comply with all lot area and yard requirements established for principal buildings and uses set forth in this Chapter; accessory buildings shall not exceed 144 square feet. The primary use of the accessory building is to store



maintenance equipment. Accessory buildings shall match the design of the primary building.

Amended via Resolution No. 169/04-01 G

1. Accessory buildings in C-4 shall be based on JEDD requirements.

Accessory uses, buildings and structures associated with nonresidential uses shall be subject to the development plan review and approval requirements of the zoning district in which the parcel is located.

C. Fences and Walls. Fences and walls may be erected in any Commercial District provided they comply with the following:

1. In a front yard, a fence or wall shall not exceed 4 feet in height, except as otherwise regulated in Section 230.03.
2. In a required side or rear yard, a fence or wall shall not exceed 6 feet in height.
3. All fences and walls shall be of uniform design and shall be well maintained. The smooth finished side of the fence shall be the side of the fence that faces outward from the yard being fenced.
4. Fences and walls used for buffering and screening shall comply with the regulations set forth in Chapter 430.

D. Trash Receptacles. Trash receptacles shall be located in the rear yard and shall conform to the minimum parking setback.

E. Off-Street Parking and Loading Regulations. Off-street parking and loading areas shall conform to the minimum parking setback requirements specified in Schedule 350.07 and shall otherwise conform to the regulations of Chapter 410.

**Sec. 350.12 LANDSCAPING AND SCREENING REQUIREMENTS.**

Visual screening and landscape buffers shall be provided for all lots in Commercial Districts in accordance with the provisions set forth in Chapter 430.

**Sec. 350.13 SUPPLEMENTAL REGULATIONS FOR GASOLINE STATIONS.**

In addition to the above regulations, all gasoline stations shall comply with the following standards.

- A. A gasoline station located on a corner lot shall maintain the minimum lot frontage on both lot lines fronting on streets.
- B. Fuel pumps, aisles providing access around the fuel pumps and canopies shall comply with the parking setbacks set forth in Section 350.07.

- C. The only services permitted to be performed on a vehicle shall be the dispensing of fuel, oil, air, and windshield wiper fluid.
- D. Except while being serviced at a pump island, no vehicle shall be parked between the pumps and the front property line.

**Sec. 350.14 PERFORMANCE STANDARDS.**

All uses shall comply with the following performance standards.

- A. Fire Hazards. Flammable or explosive materials shall only be permitted in structures having noncombustible exterior walls.
- B. Radioactive or Electrical Disturbances. Radioactive emissions or electrical discharges shall be confined to the use and lot from which they originate and shall not occur across any lot line.
- C. Lighting. All lighting shall be so arranged as to direct light away from adjacent parcels and streets and shall not be of excessive brightness or cause a glare hazardous to motorists or reasonably objectionable to adjacent property owners.
- D. Enclosure. All uses and operations, except off-street parking and loading facilities, shall be performed wholly within an enclosed building or buildings unless otherwise specifically permitted in these regulations.

**Sec. 350.15 DEVELOPMENT PLAN REVIEW.**

Prior to the construction, alteration, expansion or modification of a building, structure or use in a Commercial District, a development plan for such activity shall be reviewed and approved according to the procedures set forth in Chapter 620, except as otherwise set forth for single-family and two-family dwellings in a ~~B-R or~~ C-1 District, which shall be reviewed and approved according to the zoning certificate procedures set forth in Chapter 610.

**CHAPTER 351**

**Business Residential District Regulations**

- 351.01 Purpose.
- 351.02 Use Regulations.
- 351.03 Schedule of Permitted Uses.
- 351.04 Lot Requirements.
- 351.05 Building Spacing Requirements.
- 351.06 Height Regulations.
- 351.07 Building Requirements.
- 351.08 Parking setback requirements.
- 351.09 Dwelling unit requirements.
- 351.10 Accessory use regulations.
- 351.11 Landscaping and screening requirements.
- 351.12 Performance standards.
- 351.13 Development plan review.
- 351.07 Sign Regulations

**Sec. 351.01 PURPOSE.**

Business Residential Districts (B-R) and its regulations are established in order to allow professional, administrative and executive officers that are compatible with residential uses, and which serve as transitional areas between more intensive land uses such as major thoroughfares and/or commercial districts, and less intensive uses such as single-family residential developments. The regulations are intended to ensure that nonresidential buildings are constructed in a manner that is compatible with the primary residential character of the area. It is recognized that some dwelling units within the district may be converted to office uses.

**Sec. 350.02 USE REGULATIONS.**

- A. A use listed in Schedule 351.03 shall be permitted by right as a principal use in a B-R District when denoted by the letter "P" provided that all requirements of other township resolutions and this Zoning Resolution have been met.
- B. A use listed in Schedule 351.03 shall be permitted as a conditional use in a B-R district when denoted by the letter "C", provided the Board of Zoning Appeals first makes the determination that the requirements of Chapter 390 have been met according to the procedures set forth in Chapter 630.
- C. A use listed below shall be permitted as an accessory use in a B-R District. Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections, as noted below.

1. Off-street parking and loading areas as regulated by Section 351.08 and Chapter 410.
2. Signs as regulated by Chapter 420.13.
3. Other uses of land or buildings that are clearly incident and subordinate to the principal use.

Although a use may be indicated as permitted, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Zoning Resolution applicable to the specific use and parcel in question. Any use that is not specifically listed as either a permitted principal or conditional use or that does not meet the requirements for an accessory use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Resolution and/or the Zoning Map as provided in Chapter 660 or upon a finding that a use is substantially similar as provided in Section 630.13.

**Sec. 351.03 SCHEDULE OF PERMITTED USES.**

<b><u>Permitted Uses</u></b>	<b><u>B-R Business Residential</u></b>
<b><u>D. Residential</u></b>	
1. <u>Single-family detached dwelling unit</u>	<u>P</u>
2. <u>Two-family dwelling</u>	<u>P</u>
3. <u>Multi-family dwelling with not more than 4 units in one building</u>	
4. <u>Planned residential development according to Chapter 320</u>	
5. <u>Residential units above first floor of a building devoted to a non-residential use</u>	<u>P</u>
6. <u>Bed and breakfast home</u>	<u>P</u>
7. <u>Congregate care facility</u>	<u>C</u>
<b><u>E. Offices</u></b>	
1. <u>Medical or dental office or clinic</u>	<u>P</u>
2. <u>Administrative, business or professional office</u>	<u>P</u>
3. <u>Financial establishment, bank</u>	
<b><u>F. Retail/Services</u></b>	
1. <u>Retail use in wholly enclosed building</u>	
2. <u>Long-term outdoor display</u>	
3. <u>Seasonal sales, temporary sidewalk sales</u>	
4. <u>Personal service such as barber shop, beauty shop, dry-cleaning laundry, shoe repair, tanning salons, nail salons, reducing salons, and physical fitness centers.</u>	

<u>Permitted Uses</u>	<u>B-R Business Residential</u>
5. Funeral home	
6. Restaurant, eating and drinking establishment	C
7. Studio for instruction such as dance, karate, art	C
8. Hotel, motel	
9. Party center and banquet hall	
10. Dog grooming – no kennel	
11. Veterinary clinic	
12. Drive-thru facility in association with a principal use	
13. Internet Sweepstakes Café (Amend. via Res. 12/02-26a)	
<b>F. Auto Oriented</b>	
14. Vehicle sales, rental, new and/or used	
15. Parking garage, lot, deck	
16. Gasoline station	
17. Automobile service station	
18. Car wash	
19. Small engine repair (20 hp)	
<b>G. Community Facilities</b>	
1. Church or other place of worship	C
2. Elementary and/or secondary school facility, public or private	
3. Library, museum or similar cultural facility	
4. Meeting facility for fraternal organization, or community organization, i.e. YMCA	C
5. Indoor recreational and entertainment such as bowling alley, indoor theater	
6. Public safety facility	C
7. Public service facility	
8. Wireless telecommunication facilities and antenna	See Chapter 450
P = Principal use permitted by right C = Conditional Use Blank cell indicates the use is not permitted in the district	

**Sec. 351.04 LOT REQUIREMENTS.**

Lots in B-R districts shall comply with the following:

- A. Minimum Requirements. Minimum lot and project area requirements are set forth in Schedule 351.04 below.

B. One Building Per Lot.

1. Nonresidential Uses. One principal building shall be permitted on a lot.
2. Residential Dwellings. In a B-R district, only one dwelling shall be permitted on a lot.

C. Maximum Building Floor Area. The total floor area of buildings occupied with a nonresidential use shall not exceed 5,000 square feet per acre.

D. Schedule 351.04:

<u>Minimum Requirements</u>	<u>B-R Business Residential</u>
1. <u>Project size</u>	=
2. <u>Minimum lot size except as otherwise set forth below for residential uses</u>	25,000 sq.ft.
a) <u>Single-family dwelling</u>	25,000 sq.ft.
b) <u>Two-family dwelling</u>	25,000 sq.ft.
c) <u>Multi-family dwelling</u>	NP
3. <u>Lot width at building line</u>	100 ft.
4. <u>Street frontage</u>	100 ft.(a)
<u>Notes to Schedule 351.04:</u>	
<sup>(b)</sup> <u>Except that when a lot fronts on a cul-de-sac, the minimum frontage shall be 50 ft as measured on the arc.</u>	

**Sec. 351.05 BUILDING SPACING REQUIREMENTS.**

Every building shall be located on a lot in compliance with the building spacing regulations set forth in Schedule 351.05:

A. Setbacks from Public Streets. The setback requirement shall be measured from the right-of-way of the public street.

B. Schedule 351.05.

<u>Minimum Setbacks/ Spacing Requirements</u>	<u>B-R Business Residential</u>
4. <u>Setback from Public Streets</u>	50 ft.(a)
5. <u>Setback from Side and Rear Lot Lines</u>	
a) <u>Adjacent to non-res. districts</u>	25 ft.

<u>Minimum Setbacks/ Spacing Requirements</u>	<u>B-R Business Residential</u>
b) <u>Adjacent to O-C, R-1, or R-2 District</u>	<u>50 ft.(b)</u>
6. <u>Spacing between principal buildings on the same lot</u>	<u>20 ft.</u>
<u>Notes to Schedule 350.05:</u> (a) <u>70 feet on all County and State Roads.</u> (b) <u>The minimum setback for single-family and two-family dwellings shall be 25 feet.</u>	

**Sec. 351.06 HEIGHT REGULATIONS.**

All buildings and structures shall comply with the following height regulations.

- A. No buildings shall exceed a height of 35 feet.
- B. Height exceptions are set forth in Sec. 230.06B for appurtenant structures.

**Sec. 351.07 BUILDING REQUIREMENTS**

All development in the B-R District shall maintain the existing small-scale residential character of the Olde 8 corridor and shall comply with the following building requirements.

- A. One Building Per Lot. Only one dwelling shall be permitted on a lot.
- B. One Accessory Structure Per Lot. Only one accessory structure shall be permitted on a lot. See Chapter 310.08 for further requirements.
- C. Maximum Building Floor Area Per Dwelling Unit. In a B-R District, the total floor area of buildings occupied with a nonresidential use shall not exceed five thousand (5,000) square feet per acre.
- D. Flat roofs shall not be permitted in the B-R District.

**Sec. 351.08 PARKING SETBACK REQUIREMENTS.**

Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified in Schedule 351.07 unless otherwise noted. The area within this setback shall be landscaped in accordance with Chapter 430.

**Schedule 351.08**

	<b><u>B-R</u></b> <b><u>Business Residential</u></b>
A. Setback from public street right-of-way	<u>Same as building</u>
B. Setback from side and rear lot line:	<u>15 ft</u>
1. <u>Adjacent to non-residential district</u>	
2. <u>Adjacent to O-C, R-1 or R-2 District</u>	<u>25 ft</u>

**Sec. 351.09 DWELLING UNIT REQUIREMENTS.**

A. Required Area. Each dwelling unit shall comply with the minimum floor area requirements set forth in Schedule 351.09, based on the type of dwelling unit. In computing the required floor area, the area of breezeways, unfinished basements, garages, and other similar accessory structures shall not be included.

B. Schedule 351.09 Minimum Floor Area Per Dwelling Unit.

<u>Type of Dwelling Unit</u>	<u>Minimum Floor Area</u>
1. <u>Single-Family Unit</u>	
a) <u>Total floor area per dwelling unit</u>	<u>1,500 sq. ft.</u>
b) <u>1<sup>st</sup> floor of a one and a half story, two-story or multi-level dwelling</u>	<u>1,000 sq. ft.</u>
2. <u>Two-Family Unit</u>	<u>1,000 sq. ft.</u>
3. <u>Dwelling unit in a multi-family dwelling or above the first floor of a building devoted to a nonresidential use</u>	
a) <u>Efficiency suites</u>	<u>500 sq. ft.</u>
b) <u>One-bedroom unit</u>	<u>650 sq. ft.</u>
c) <u>Two-or more bedroom unit</u>	<u>900 sq. ft. plus 300 sq. ft for every bedroom over two</u>

**Sec. 351.10 ACCESSORY USE REGULATIONS.**

Accessory uses permitted in any B-R District shall conform to the regulations of this Section.



- A. Residential Accessory Buildings and Uses. Accessory buildings and accessory uses associated with residential uses, in districts where residential uses are permitted, shall comply with the accessory use regulations set forth in Section 310.08.
  
- B. Non-Residential Accessory Uses, Buildings and Structures. Accessory uses, buildings and structures associated with nonresidential uses shall comply with all lot area and yard requirements established for principal buildings and uses set forth in this Chapter; accessory buildings shall not exceed 144 square feet. The primary use of the accessory building is to store maintenance equipment. Accessory buildings shall match the design of the primary building.  
  
Accessory uses, buildings and structures associated with nonresidential uses shall be subject to the development plan review and approval requirements.
  
- C. Fences and Walls. Fences and walls may be erected in the B-R District provided they comply with the following:
  - 1. In a front yard, a fence or wall shall not exceed 4 feet in height, except as otherwise regulated in Section 230.03.
  - 2. In a required side or rear yard, a fence or wall shall not exceed 6 feet in height.
  - 3. All fences and walls shall be of uniform design and shall be well maintained. The smooth finished side of the fence shall be the side of the fence that faces outward from the yard being fenced.
  - 4. Fences and walls used for buffering and screening shall comply with the regulations set forth in Chapter 430.
  
- D. Trash Receptacles. Trash receptacles shall be located in the rear yard and shall conform to the minimum parking setback.
  
- E. Off-Street Parking and Loading Regulations. Off-street parking and loading areas shall conform to the minimum parking setback requirements specified in Schedule 350.07 and shall otherwise conform to the regulations of Chapter 410.

**Sec. 351.11 LANDSCAPING AND SCREENING REQUIREMENTS.**

Visual screening and landscape buffers shall be provided for all lots in Commercial Districts in accordance with the provisions set forth in Chapter 430.

**Sec. 351.12 PERFORMANCE STANDARDS.**

All uses shall comply with the following performance standards.

- A. Fire Hazards. Flammable or explosive materials shall only be permitted in structures having noncombustible exterior walls.
- B. Radioactive or Electrical Disturbances. Radioactive emissions or electrical discharges shall be confined to the use and lot from which they originate and shall not occur across any lot line.
- C. Lighting. All lighting shall be so arranged as to direct light away from adjacent parcels and streets and shall not be of excessive brightness or cause a glare hazardous to motorists or reasonably objectionable to adjacent property owners.
- D. Enclosure. All uses and operations, except off-street parking and loading facilities, shall be performed wholly within an enclosed building or buildings unless otherwise specifically permitted in these regulations.

**Sec. 351.13 DEVELOPMENT PLAN REVIEW.**

Prior to the construction, alteration, expansion or modification of a building, structure or use in a B-R District, a development plan for such activity shall be reviewed and approved according to the procedures set forth in Chapter 620, except as otherwise set forth for single-family and two-family dwellings in a B-R District, which shall be reviewed and approved according to the zoning certificate procedures set forth in Chapter 610.

**Sec. 351.07 SIGN REGULATIONS.**

Refer to Section 420.13 for sign regulations in a B-R District.

**Staff Comments:**

**Recommendation:** Staff recommends to the Summit County Planning Commission that the proposed text amendments be **APPROVED** with due consideration to staff comments.



Planning Commission  
Zoning Text Amendment  
**Ch 12 Interchange MUD**  
Twinsburg Township

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**Item No.:** 6  
**Meeting:** April 28, 2022  
**Applicant:** Twinsburg Zoning Commission  
**Proposal:** Ch 12 Interchange MUD  
**Processor:** Stephen Knittel

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**Proposal:** The applicant has proposed that the Twinsburg Township Zoning Resolution be revised to add certain single family residential uses as permitted uses in the Interchange Mixed Use (IMU) District.

**Proposed Text Amendments:**

**“CHAPTER 12**

**INTERCHANGE MIXED USE DISTRICT**

**(IMU DISTRICT)**

12.1 [no change]

12.2 Permitted Uses. Buildings and premises within the IMU District shall be used only for one or more of the following purposes and shall be carried on within entirely enclosed buildings, with no detectable exterior noise, smoke, glare, vibration or odor, except as specifically provided for in this Chapter:

a. Single-Family dwellings, as permitted in and subject to all requirements outlined in Chapter 9, R-3 Residential District, including Sections 9.1 through 9.12, inclusive, with Sections 12.1, 12.2, and 12.16 of this Chapter to apply to such uses, and with Sections 12.3 through 12.15, inclusive, of this Chapter to not apply to such uses;

a-f. [change numbering to b-g].

12.3-12.16 [no change]”

**Recommendation:** Staff recommends to the Summit County Planning Commission that the proposed text amendments be **APPROVED**.