



Summit County Planning Commission (SCPC)
Thursday, May 26, 2022 - 3:00 p.m.
County of Summit, County Council Chambers
175 South Main Street, 7th Floor, Akron, Ohio
Meeting Agenda

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

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

1. **Item # 1 - Pamer Estate – Lot Split and Variance – Coventry Township**
 - a. **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.
 - b. **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.
2. **Item # 2 – Heritage Centre Replat – Copley Township** – Creating Sublot A-R3 (2.3716 acres) and A-R4 (1.1632 acres) from Sublot A-R2.
3. **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.
7. **Item # 7 – Kings Creek Riparian Variance – Twinsburg Township** – The applicant is requesting a variance to allow for up to 44 feet of encroachment, (less than 0.25 acres) for the construction of a house.

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



Summit County Planning Commission (SCPC)
 Thursday, March 31, 2022 - 3:00 p.m.
 County of Summit, County Council Chambers
 175 South Main Street, 7th 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, 7th 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
SCPC Action: Approval

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 – A variance from 1108.07 to allow for a road to have cross-intersections a min of 250’ apart rather than 300’.

SCPC Action:

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 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 – Proposing 70 lots on 24.9951 acres. Located at the intersection of Sanitarium and Portage Line Rd.

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 – A variance from the Riparian Ordinance to allow for a driveway to be built. Section Three Residential District – to amend setback language for residential structures.

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 – A variance from the Riparian Ordinance to allow for the construction of a home pool.

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 – 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.

SCPC Action: Tabled

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 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 – Rezoning B-2 & R-1 to C/I.

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 – B-3 to C/l.

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 – CGR to Overlay to allow for the construction of a mixed use compact development.

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 – to amend zoning resolution to add language defining and regulating accessory dwelling units.

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: The intent is to allow residents to age in place.

George Beckham: How will the Township regulate to not have rental units in the accessory dwelling units?

Copley Township: Rentals are not expressly prohibited in the accessory dwelling units. The regulations does require that the property owner reside in either the principal or accessory unit. All utilities remain on the primary bill. Accessory Dwelling Units would be a conditional use for the BZA to approve. This allows the BZA to add conditions including deed restrictions if needed. The Accessory Dwelling Units are under the accessory structure regulations, which also regulated garages, and would count towards the allowed accessory space permitted per lot.

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 – adding definitions for Platted and Unplatted development.

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		
Open Seat					
Open Seat					

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

The site is located in Richfield Township at 3649 W. Galloway Dr. PN 4802119. The applicant is proposing to build a swimming pool for health reasons and requires a variance from the Riparian Ordinance to build within the Riparian Setback.

Staff recommends **DISAPPROVAL**.

Item No.: Old Business Item 1	Parcel No.: 4802119
Meeting: April 28, 2022	Area: 1.1 acres
Owner: Angela and Mark Kyei	Council District: District 1
	Processor: Stephen Knittel

Proposal: The applicant is proposing to build a swimming pool for health reasons and requires a variance from the Riparian Ordinance to build within the Riparian Setback.

Agency Comments: *Italicized text indicates quotations from submitted agency comments.*

SWCD: Sasha Mikheidze, 3/8/2022:

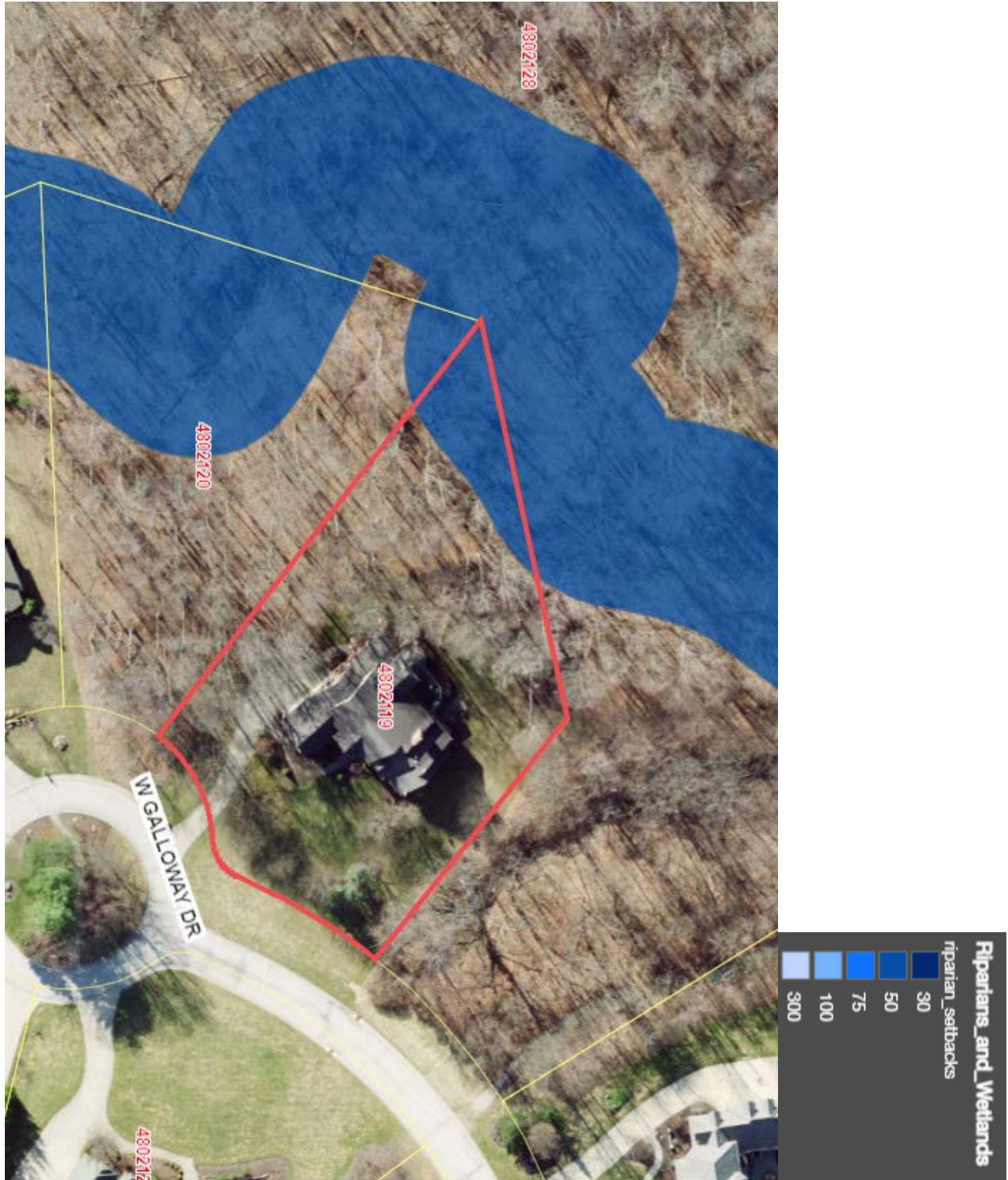
Summit Soil and Water Conservation District conducted a riparian setback assessment for the site and found a base setback of 50' plus an additional 100' due to severe slopes. As a result, SSWCD does not support the request for a variance for the purposes of installing a pool. Based on the riparian regulations,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

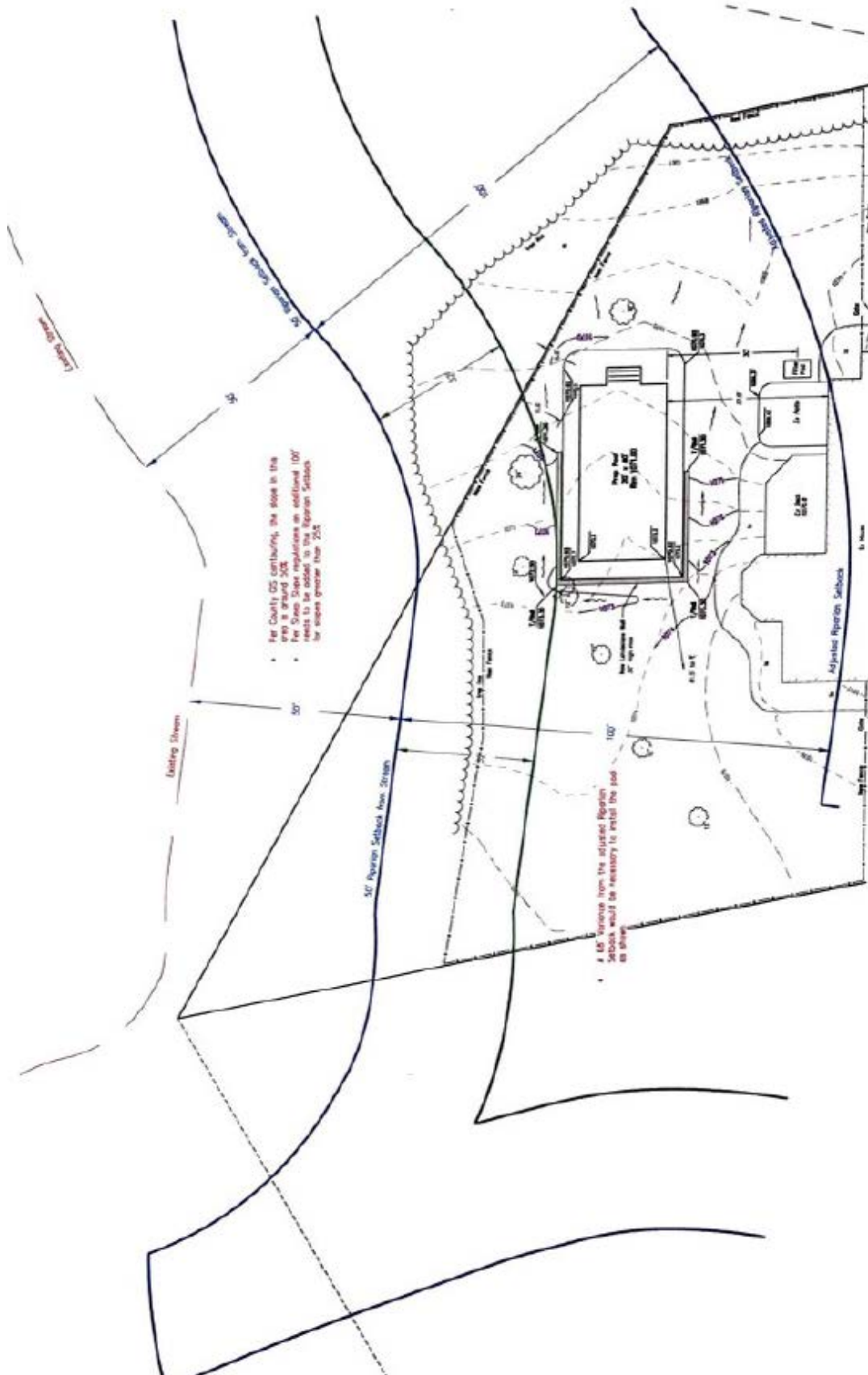
Staff Comments:

Per the applicant:

- The house was built prior to the Riparian Ordinance. House was built in 2001 Riparian Ordinance was enacted 2005.
- The proposed construction is about 82 feet from the stream.
- There should be no affect on the stream and riparian area if the variance is granted.
- There should be no affect on the properties upstream nor downstream if the variance is granted.
- There are steep slopes on the property – the pool will not be constructed on the steep slope.

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

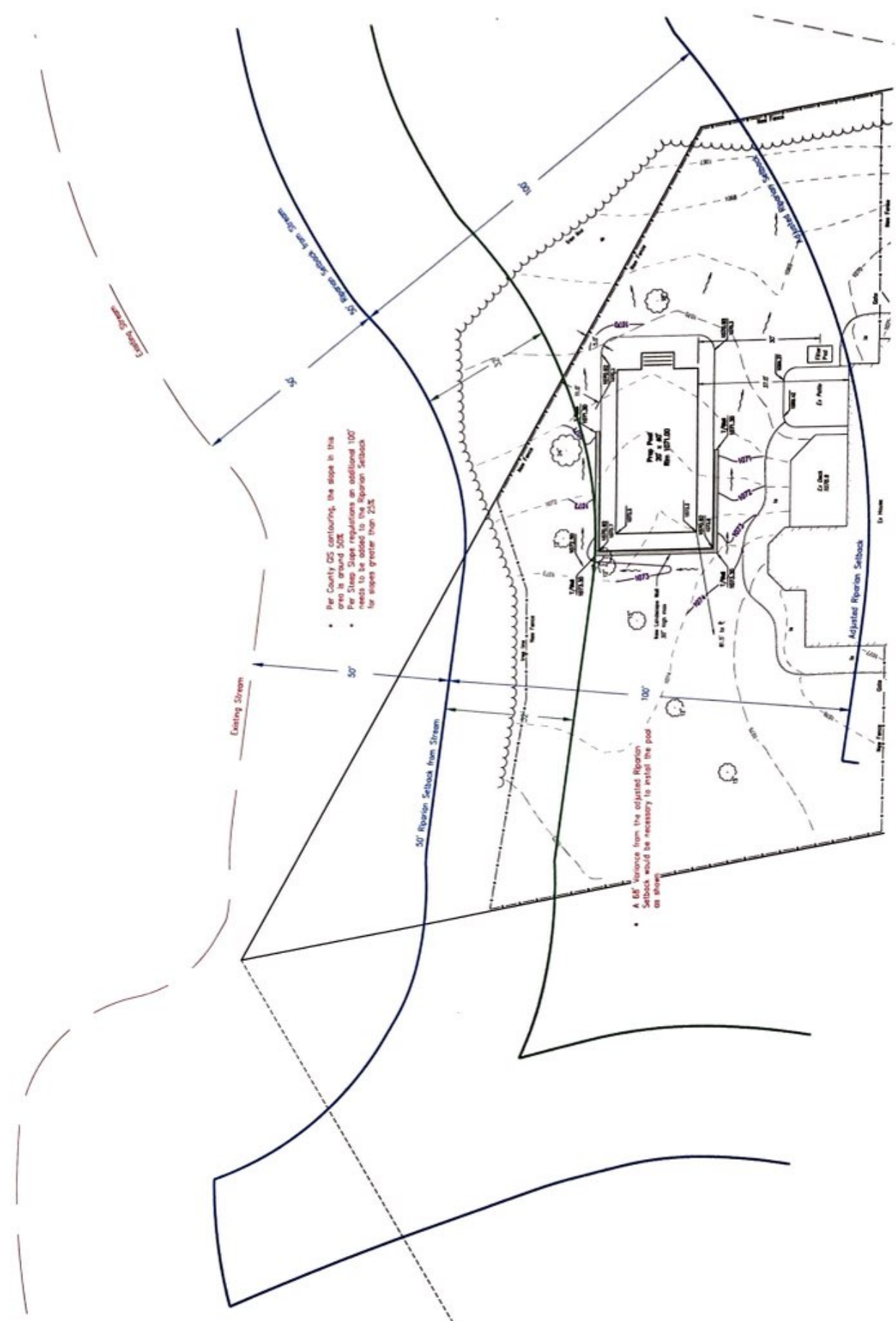
1/24/22
Date

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

Existing Stream

50' Riparian Setback from Stream

Adjusted Riparian Setback



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
 O-R to I-1
 Springfield Township

EXECUTIVE SUMMARY

Proposal: To rezone parcels 51-02670, 51-06600, 51-09804, 51-09833, 51-02273, 51-02281, 51-02280, 51-02275, 51-02276, 51-08482, 51-08483, and 51-03302 from O-R to I-1. This would 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.

Staff recommends APPROVAL

Meeting:	March 31, 2022	Proposed Zoning:	I-1
Item No.:	5	Council Dist.:	District 8
Current Zoning:	O-R	Processor:	Stephen Knittel

Parcel Number: 51-02670, 51-06600, 51-09804, 51-09833, 51-02273, 51-02281, 51-02280, 51-02275, 51-02276, 51-08482, 51-08483, and 51-03302

Location: Located on Massillon Rd east of Boyer Pkwy.

Proposal: To rezone parcels 51-02670, 51-06600, 51-09801, 51-09833, 51-02273, 51-02281, 51-02280, 51-02275, 51-02276, 51-08482, 51-08483, and 51-03302 from O-R to I-1.

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

51-02670, 51-06600, [51-09804], 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.

Direction	Zoning	Land Use	Jurisdiction
North	R-2	Residential	Springfield Township
East	R-2	Residential	Springfield Township
South	R-2	Residential	Springfield Township
West	PIPD	Planned Industrial Park	Springfield Township

Current Zoning: From Springfield Township’s Zoning Resolution, provided on Springfield Township’s website: <https://www.springfieldtownship.us/>

O-R - Office and Research Park District

The Office and Research Park District (O-R) is established to provide for areas of the township conducive to the development and protection of modern administrative facilities and research institutions that are office-like in physical appearance and service requirements with allowance for limited light industrial uses that have similar operational characteristics. The regulations of the O-R District are designed to encourage new office/light industrial subdivisions with new streets to minimize curb cuts on existing public streets.

Proposed Zoning:

I-1 - Light Industrial

The Light Industrial District (I-1) 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 relatively close proximity to residential districts.

(B) **PERMITTED USE TABLE**

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	
	AGRICULTURAL USES										
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)
RESIDENTIAL USES											
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)
PUBLIC AND INSTITUTIONAL USES											
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) ⁶		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
	COMMERCIAL AND OFFICE USES										
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)
VEHICLE AND TRANSPORTATION RELATED USES											
Gasoline stations						C	PS				Section 5.04(V)
Farm implement sales and rental ^{2,7}						C	C				Section 5.04(W)
Motor vehicle sales ²						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
Vehicle washing establishments						C	C				Section 5.04(AA)
INDUSTRIAL USES											
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	
OTHER USES											
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

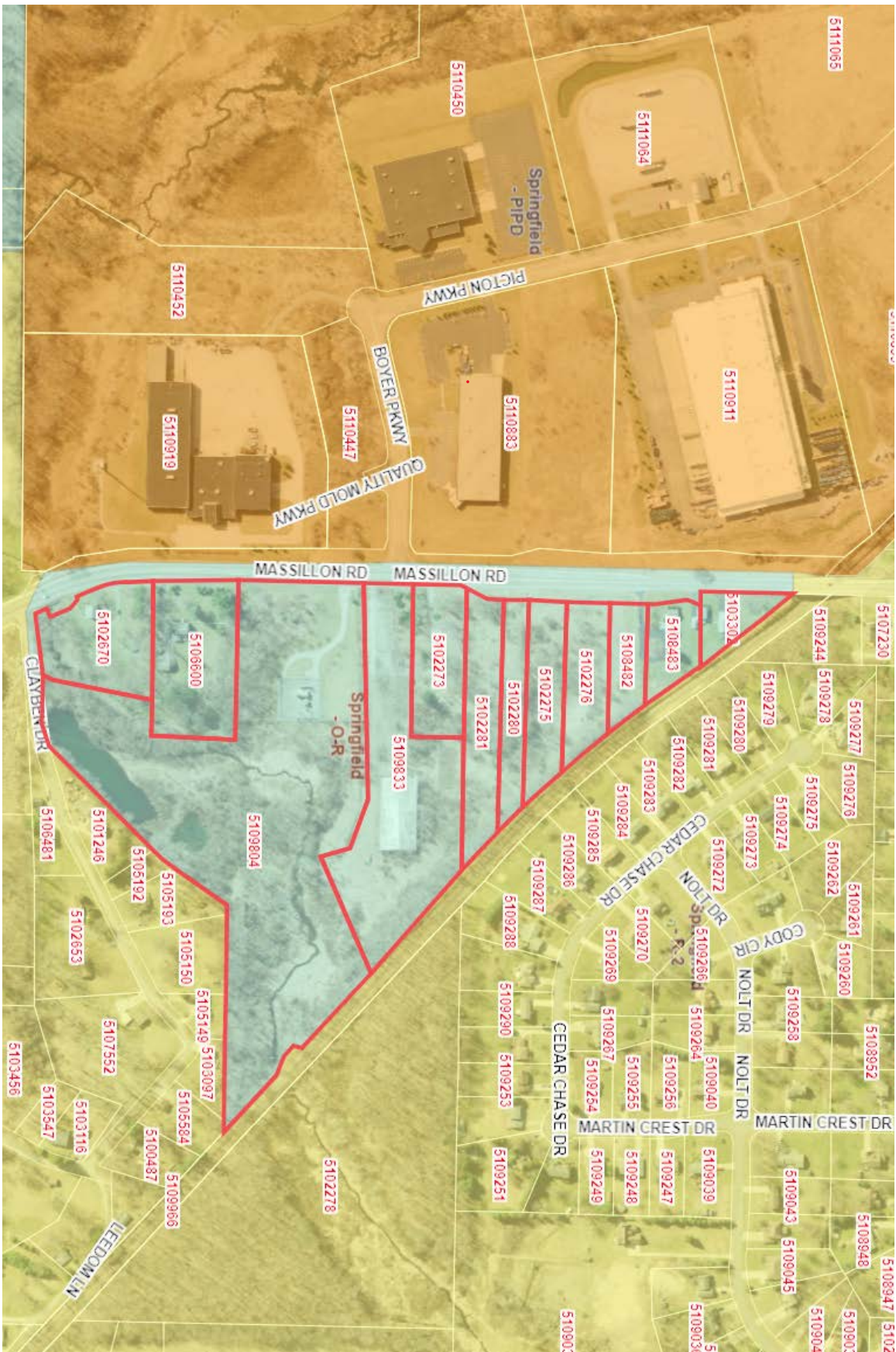
1. *Is the proposed zoning change reasonable given the nature of the surrounding area?* The request is reasonable in that the property is adjacent to a Planned Industrial Park District.
2. *Can the property reasonably be used as currently zoned?* Yes.
3. *Is the proposed Map Amendment consistent with the objectives and goals of the Comprehensive Plan?* The Comprehensive Land Use Plan calls for this area to be Office and Research
4. *Is the proposed zoning change consistent with the stated purpose and intent of the zoning resolution and the applicable districts?* Yes.
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.
6. *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?* The proposed change is a greater intensity use than the current zoning and may adversely affect adjoining properties.
8. *Is this an appropriate location for the proposed use or are there other available locations better suited for it?* The request is reasonable in that the property is adjacent to a Planned Industrial Park District.

-
9. *Will the proposed zoning change, change the character of the neighborhood?*
The proposed change is a higher intensity use and has the potential to change the character of the neighborhood.
10. *Has there been a change in conditions that renders the original zoning inappropriate?* No.

Staff Comments:

- The site can be used as currently zoned.
- The request is reasonable in that the property is adjacent to a Planned Industrial Park District.
- The Future Land Use Plan calls for this area to be Office and Research – “The office and research areas of Springfield Township provide for an area where office or research and development facilities may be located in a business park setting. These uses may be of varied scale from a small medical office to large, multi-floor office buildings and may include some commercial accessory uses. Beyond general research and development activities, the large-scale manufacturing or distribution of goods should not occur in the office and research area.”

Recommendation: Staff recommends APPROVAL.



To the Springfield Board of Trustees:

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

51-02670, 51-06600, 51-09801, 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.

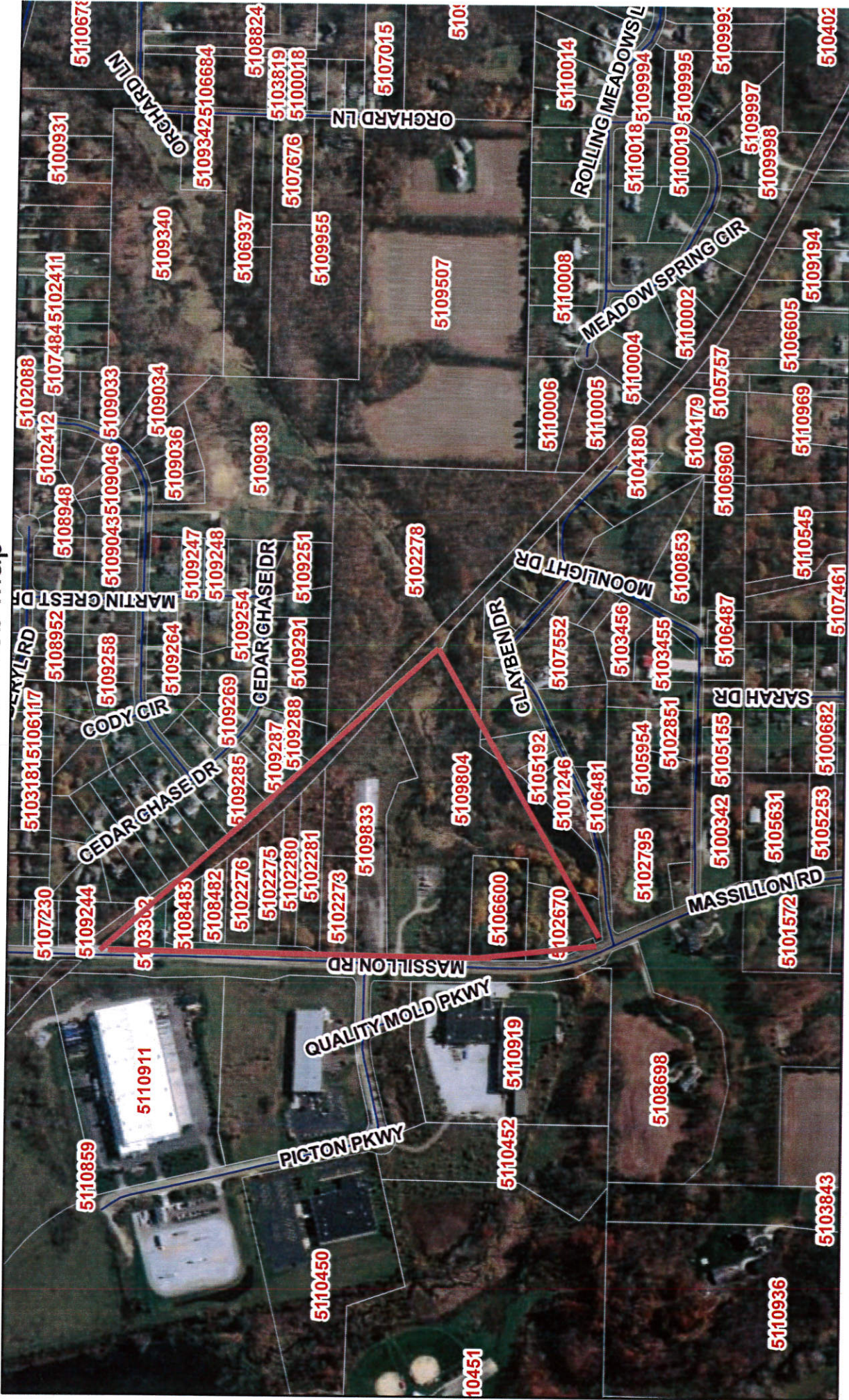
The proposed change will still allow for offices or research facilities in the **I-1** district. The change will eliminate the need for variances for the existing businesses as they expand. This will allow the Zoning Department to require more stringent enforcement of screening and landscaping requirements.

 Recoverable Signature

X Allan Swift

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

ArcGIS Web Map



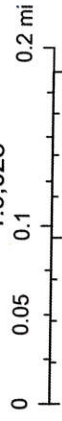
3/3/2022, 12:56:51 PM

☐ Parcels

— Road Labels

☐ Summit County Municipal Outlines

1:9,028



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

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

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.

**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).

Gary Older, Chairman

Patty Price, Secretary

03022022zcmin



Planning Commission
 Variance and Lot Split
1707 Hilltop Dr
 Coventry Township

EXECUTIVE SUMMARY

Located in Coventry Township at the west edge of the corner of Steve Dr and Hilltop Dr. The applicant is proposing to split parcel 1909349, 7.3 acres into three parcels, 2.85 acres, 2.48 acres and 1.94 acres. The proposed plan does not satisfy Subdivision Regulation 1105.05 (e) Access to Public Streets. The applicant is requesting a variance from 1105.05 (e) Access to Public Streets for two of the proposed lots which would have no frontage along a dedicated street instead of the required 30 feet. On-site Septic and Well Water.

Staff recommends: **Disapproval**

Item No.:	1 a & b	Area:	7.3 acres
Meeting:	April 28, 2022	Lots:	3
Developer:	Rodney V. Pamer	Utilities:	On-site Septic / Well Water
Parcel No.:	1909349	Council District:	District 8
Zoning:	Residential R-1	Processor:	Stephen Knittel

Location: The site is located in Coventry Township, at the west edge of the corner of Steve Dr and Hilltop Dr.

Proposal: The applicant is proposing to split parcel 1909349, 7.3 acres into three parcels, 2.85 acres, 2.48 acres and 1.94 acres. The proposed plan does not satisfy Subdivision Regulation 1105.05 (e) Access to Public Streets. The applicant is requesting a variance from 1105.05 (e) Access to Public Streets for two of the proposed lots which would have no frontage along a dedicated street instead of the required 30 feet.

Site Conditions: GIS environmental Mapping shows riparian setbacks along the southern portion of the parcel and up along the western edge.

Township Zoning:

Zoning: The Zoning of the site is R-1 Residential			
Direction	Zoning	Land Use	Municipality
North	R-1	Residential	Coventry Township
East	R-1	Residential	Coventry Township
South	R-2	Residential	New Franklin
West	R-1	Residential	Coventry Township

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.

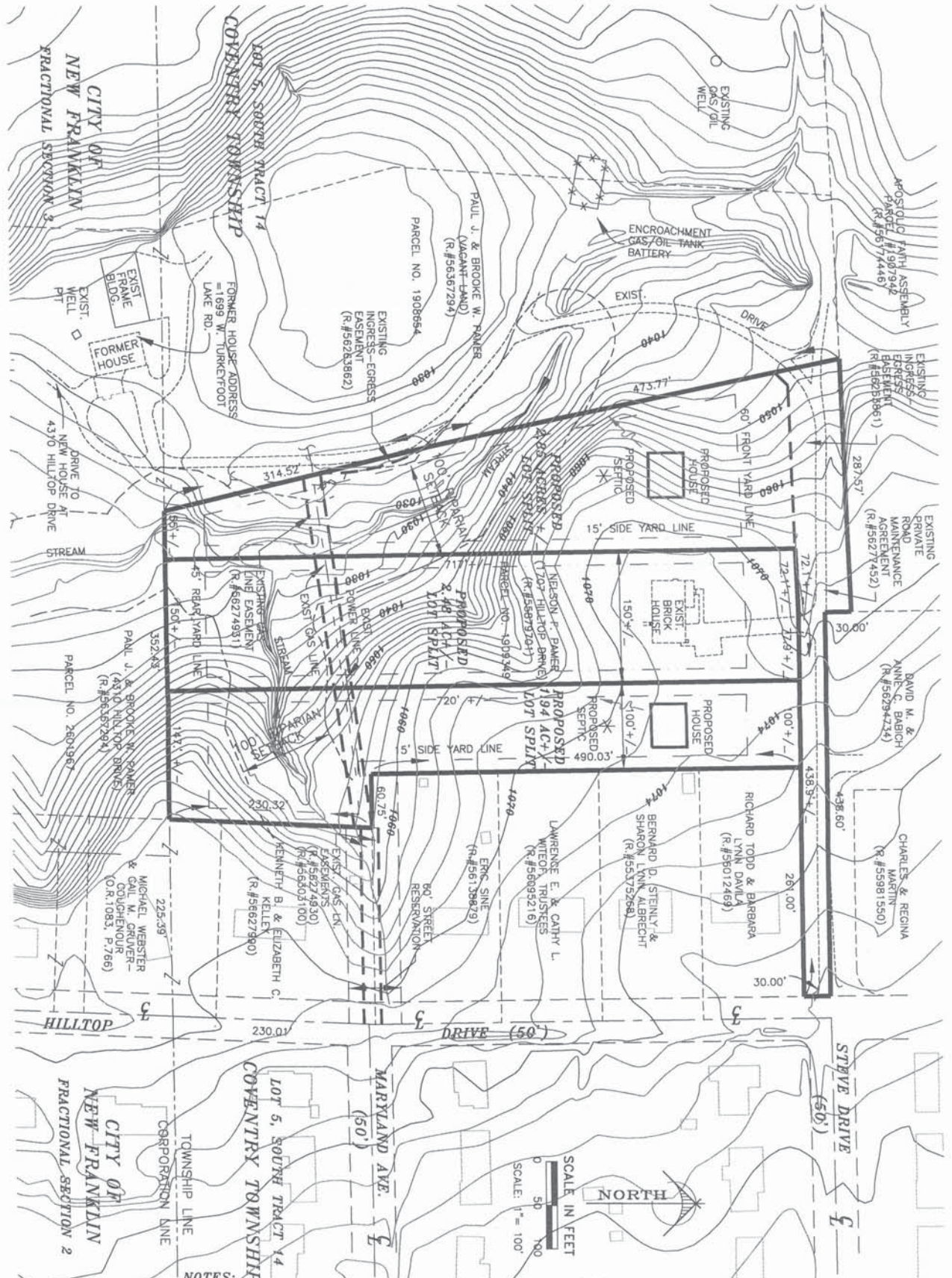
Staff Recommendation: Staff recommends the SCPC **DISPPROVE** the Variance Request.

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: It is Staff’s recommendation that the SCPC **Disapprove** the Lot Split.



- 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

Located in Copley Township Along Heritage Centre Drive, south of Medina Road, SR 18. Creating subplot A-R3 and A-R4 from Sublot A-R2 within the Heritage Centre Allotment.

Staff recommends: **Approval**

Item No.: 2	Area: 3.53 acres
Meeting: March 31, 2022	Lots: 2
Developer: OCG Copley Land /Neff Assoc.	Streets: 50' R/W
Parcel No.: 1702658	Council District: District 5
Zoning: PDD Office, Retail, Personal Services	Processor: Stephen Knittel

Location: The site is located in Copley Township,

Proposal: Creating subplot A-R3 and A-R4 from Sublot A-R2 within the Heritage Centre Allotment.

Site Conditions: GIS environmental Mapping shows no environmental issues on the parcel.

Township Zoning: PDD Office, Retail, Personal Services

Direction	Zoning	Land Use	Municipality
North	R-2	Residential	Copley Township
East	R	Residential	Portage County
South	R-1	Residential	Copley Township
West	R-1	Residential	Copley Township

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:

Because the proposal is creating a new lot within a Platted Subdivision this Replat must be heard by Summit County Planning Commission and Summit County Council.

Recommendation: It is Staff's recommendation that the SCPC **Approve** the Replat.

Tox Map Department

HERITAGE CENTRE ALLOTMENT REPLAT NO. 3

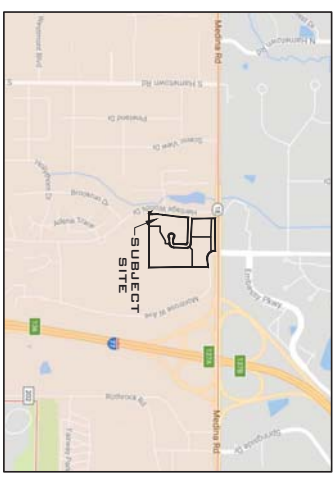
CREATING SUBLot A-R3 & A-R4 FROM SUBLot A-R2 OF THE REPLAT HERITAGE CENTRE ALLOTMENT AS RECORDED IN RECEPTION NUMBER 56565998 OF SUMMIT COUNTY RECORDS.

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 DEED, AND DO HEREBY CERTIFY AND CONFIRM THE ACCURACY OF THE DIMENSIONS, SIZES, SPACES, THE EXTENSIVENESS AND CREATION OF EASEMENTS AS SHOWN UPON THIS PLAT.

OWNERS
 OCO 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 - Cabinet "A", Sides 614-611, Cabinet "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-declaring CUL-De-Sac & 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__
 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.

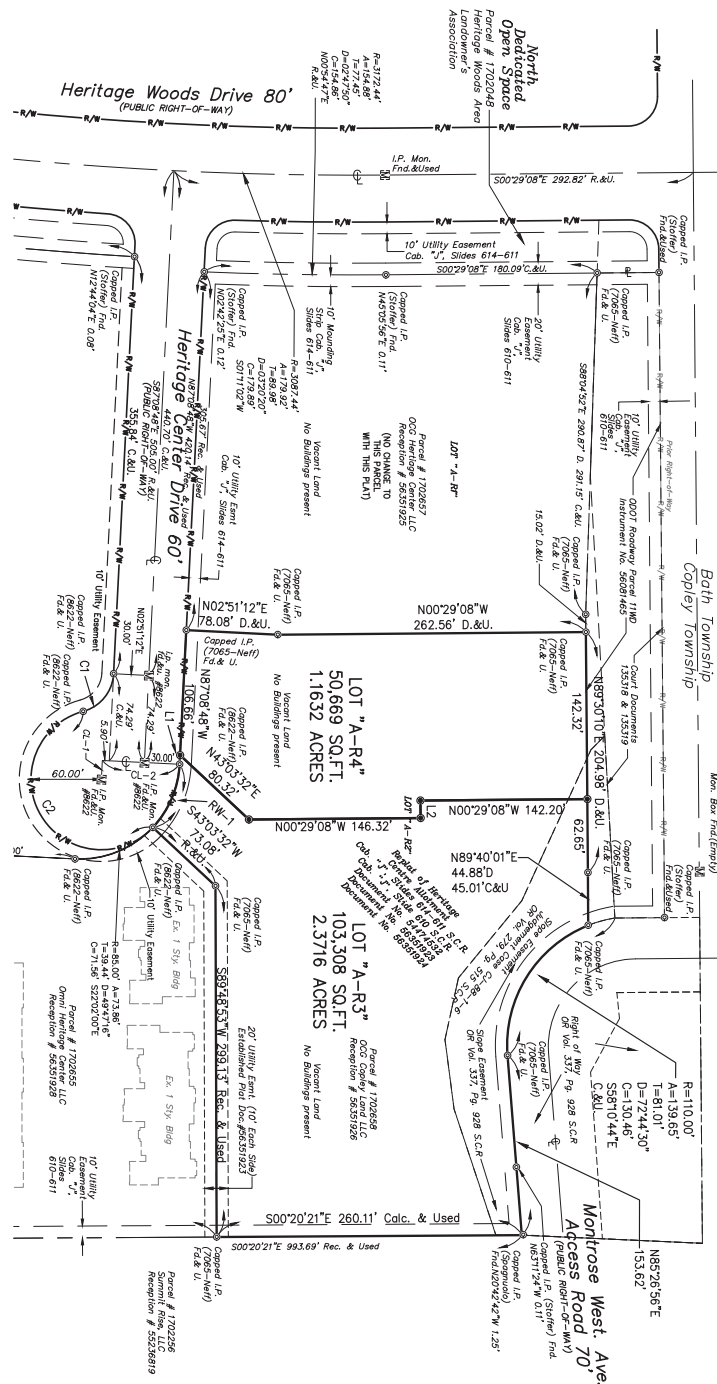
Fiscal Officer's Stamp

Recording Department's Stamp

DATE	02/16/22	PLANNING COMMISSION	APPROVED
DATE		DISTRICT	
DATE		COMMISSION	
DATE		COMMISSION	
DATE		COMMISSION	

SHEET NO. 1 OF 2





LINE & CURVE DATA.	
RW-1	C1
R=85.00'	R=35.00'
L=59.66'	L=44.08'
T=31.11'	D=72.10°
C=38.44'	C=41.23'
S=70.228'E	N57.03.46°W
	C2
R=60.00'	R=587.08.48'E
L=221.96'	L=16.14'
D=211.5717°	C1-2
S07.25.12°W	S07.25.12°W
N59.02.28'E	65.90'
	C2-1
C1-1	S89.30.52°W
N87.08.48°W	14.95'
7.81'	

AREA SUMMARY

LOT A-R3	2.3716 ACRES
LOT A-R4	1.1632 ACRES
TOTAL	3.5348 ACRES

APPROVALS
 APPROVED BY THE COUNTY OF SUMMIT - COUNTY PLANNING COMMISSION
 THIS DAY OF _____ 20__
 CHAIRPERSON _____ PRINTED NAME _____

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
- ⊙ Monument Box and Pin found as described
- ⊙ 7/8"x30" Iron Pin capped with 1/2" ABSOC- 5622.561

ABBREVIATIONS	
ASPH	ASPHALT
CEN	CENTER LINE
CD	CORNER DISTANCE
SC	SWAMP COUNTY RECORDS
SP	SWAMP PLAT RECORDS
EX	EXISTING
FD	ROUND FLOOR ELEVATION
HSTR	HORIZONTAL
INS	IRON
MON	MONUMENT
OR	OR
OV	OVERSEEN
REC	RECORD
PERM	PERMANENT
PL	PLAT
RECEP	RECEPTION
NO	NUMBER
U/A	UNAPPROVED
VOL	VOLUME

NO.	DATE	DESCRIPTION
02/16/22	Planning Commission Submission	
	DISTRIBUTION	
	REVISION	
	DATE	
	BY	
	CHK	
	DATE	
	BY	

NEFF & ASSOCIATES
 6405 York Road | Parma Heights, Ohio 44130
 440.886.8333 | www.n-eff.com

HERITAGE CENTRE - INDEPENDENCE TOWER NS TIC, LLC
HERITAGE CENTRE ALLOTMENT REPLAT NO. 3
 TOWNSHIP OF COPLEY, COUNTY OF SUMMIT AND STATE OF OHIO





Planning Commission
Zoning Map Amendment
 1702658
 Copley Township

EXECUTIVE SUMMARY

Proposal: To change the use designation 2.3716 Acres of Parcel 1702658 Land Area: 3.53 Acres from PDD-Business/Office/Community, Regional, Convenience Retail, Personal Services to PDD-Residential High Density, allowing 22 Units Per Acre.
 Staff recommends APPROVAL

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

Parcel Number: 1702658
Location: Along Heritage Centre Drive, south of Medina Road, SR 18.
Proposal: To change the use designation 2.3716 Acres of Parcel 1702658 Land Area: 3.53 Acres from PDD-Business/Office/Community, Regional, Convenience Retail, Personal Services to PDD-Residential High Density, allowing 22 Units Per Acre.
 From applicant:
"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
North	B-3, B-4	Business	Bath Township
East	Medium High Residential	Medium High Residential	Copley Township
South	PDD Office, Retail, Personal Services	Active Adult Residential	Copley Township
West	PDD	Office, Retail, Personal Services	Copley Township

Future Land Use Plan: The Future Land Use Plan has this area designated as Commercial Retail.
Current Zoning: From Copley Township's Zoning Resolution, provided on Copley Township's website: <https://www.copley.oh.us/>

Changes in the PDD use designation are required to follow the same procedure as a standard rezoning (Map Amendment) per the ORC. The new use would permit only that, Residential at 22 units per acre. No other uses and no conditional uses would be permitted.

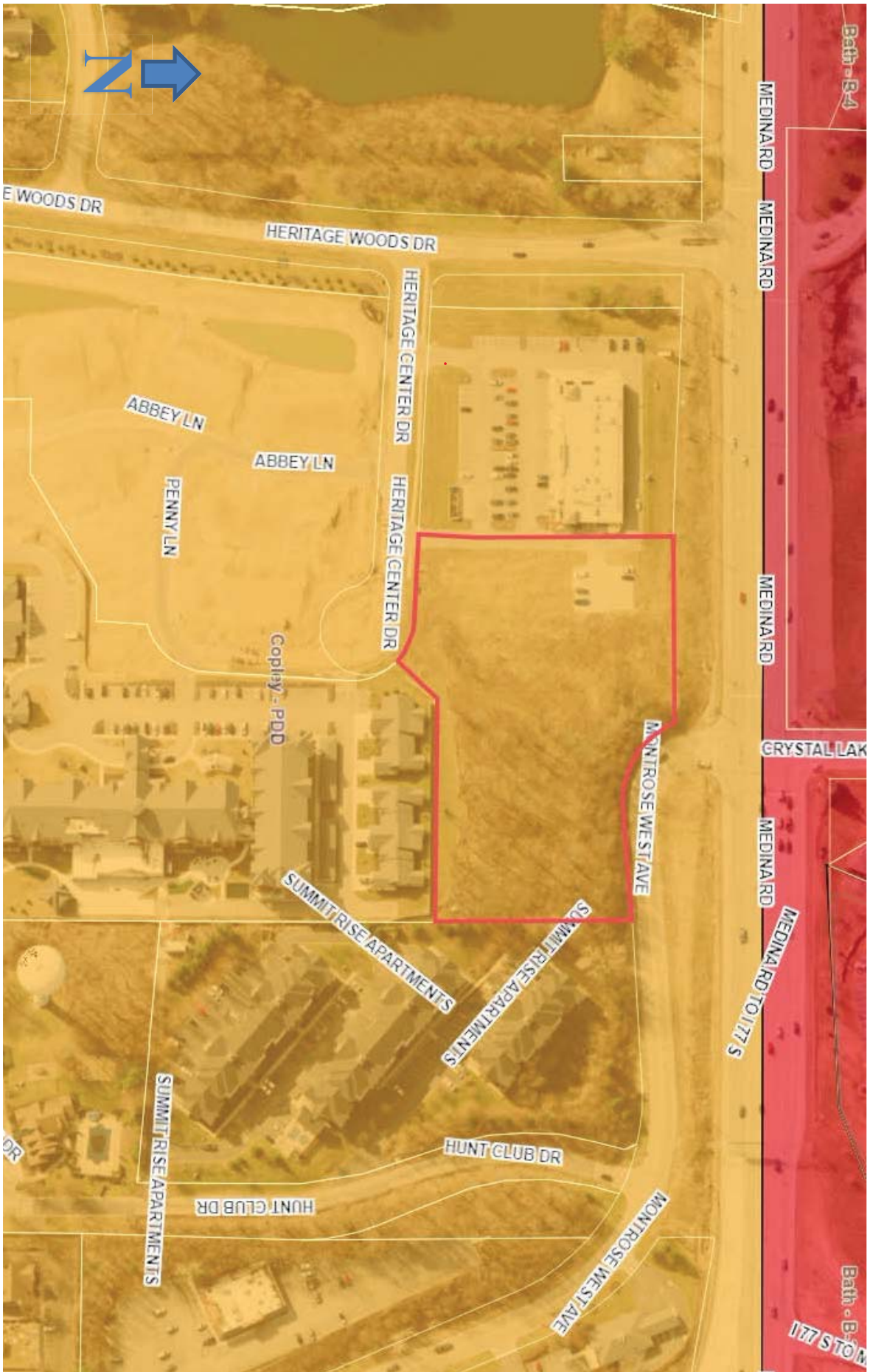
STAFF REVIEW

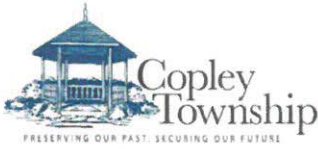
1. *Is the proposed zoning change reasonable given the nature of the surrounding area?* Yes this is a reasonable change given the nature of the surrounding area.
2. *Can the property reasonably be used as currently zoned?* Yes.
3. *Is the proposed Map Amendment consistent with the objectives and goals of the Comprehensive Plan?* The Township's Comprehensive Plan/Future Land Use Plan has this property designated as Commercial Retail.
4. *Is the proposed zoning change consistent with the stated purpose and intent of the zoning resolution and the applicable districts?* Yes.
5. *How will the proposed zoning change impact public services and facilities?* The proposed zoning should not impact public services and facilities.
6. *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?* The proposed change should not have an adverse impact.
8. *Is this an appropriate location for the proposed use or are there other available locations better suited for it?* This is an appropriate location as there is adjacent PDD residential and PDD office, retail and personal services.
9. *Will the proposed zoning change, change the character of the neighborhood?* The proposed change will not change the character of the neighborhood as there is both business and residential uses in the neighborhood currently.
10. *Has there been a change in conditions that renders the original zoning inappropriate?* No.

Staff Comments:

- The site can be used as currently zoned.
- The Township's Comprehensive Plan/Future Land Use Plan has this property designated as Commercial Retail.
- The proposed change will not change the character of the neighborhood as there is both business and residential uses in the neighborhood currently.

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 SUBLIOT A-R3 & A-R4 FROM SUBLIOT 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 THIS PLAT TO BE OUR FREE ACT AND DEED, AND DO HEREBY CERTIFY THAT WE ARE FULLY QUALIFIED TO MAKE THIS PLAT, AND THAT WE HAVE PAID ALL NECESSARY FEES OF EASEMENTS AS SHOWN UPON THIS PLAT.

OWNERS
 OCO Copley Land, LLC
 REPRESENTATIVE _____ PRINTED NAME _____
 REPRESENTATIVE _____ PRINTED NAME _____
 STATE OF _____
 COUNTY OF _____

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____.

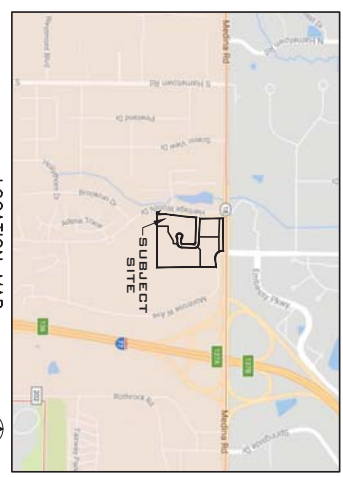
NOTARY PUBLIC _____
 MY COMMISSION EXPIRES _____

- SURVEY REFERENCES**
1. Replat of Heritage Centre Allotment - Cabinet "A", Sides 614-611, Cabinet "A", Sides 610 Doc. No. 54474532 - Dated: March 21, 2000.
 2. Heritage Woods Phase 1 - Improvement Plans - Dated: May, 1985.
 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.
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 6. Heritage Centre Allotment Report - Document No. 56531923 - Dated September 17, 2017.
 7. Heritage Centre Allotment Report - Document No. 56531923 - Dated September 17, 2017.
 8. Heritage Centre Allotment Report - Lots C-R & D - ALIX/NSPS Land Title Survey
 9. Prepared by Neff & Associates - Dated July, 2018.
 10. Heritage Centre Allotment Report - Pre-dedicating Col-D-Dee & Creating Lots OR-1 through OR-4 - Document No. 56531923 - Dated August 12, 2018.

BASIS OF BEARING
 Distances shown hereon are given in feet and decimal parts thereof. The basis of bearings for this survey is Grid North of the NAD83 (GCRS98), Ohio State Plane, North Zone (3401) as established by GPS observations and the bearings shown hereon 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. Matcok _____ Date _____
 Registered Surveyor No. 8822-Ohio



LOCATION MAP
 SCALE: 1"=300'
 NORTH

AREA SUMMARY

LOT A-R3	2,371.6 ACRES
LOT A-R4	1,103.2 ACRES
TOTAL	3,474.8 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	02/10/22	DESCRIPTION	PLANNING COMMISSION
DATE		DESCRIPTION	PLANNING COMMISSION
DATE		DESCRIPTION	PLANNING COMMISSION
DATE		DESCRIPTION	PLANNING COMMISSION



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"

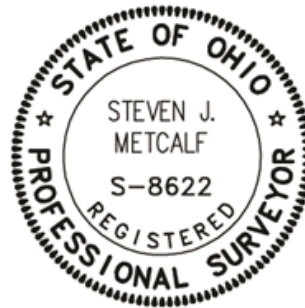
Basis of bearing for this survey is Grid North of the NAD83 (CORS96), Ohio State Plane, North Zone (3401) as established by GPS observations and is used to denotes angles only.

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
SOLOM, 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

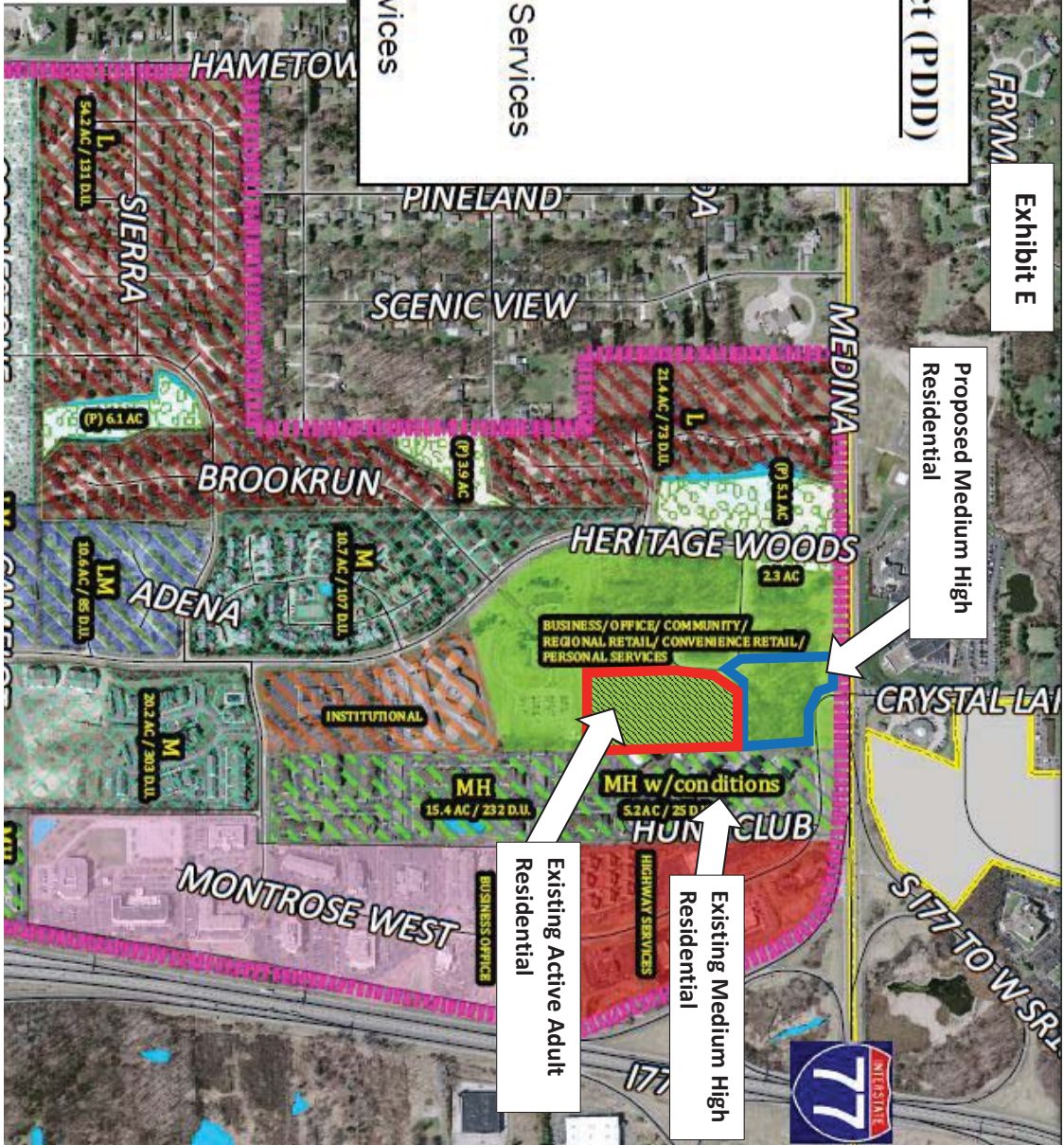
Exhibit E

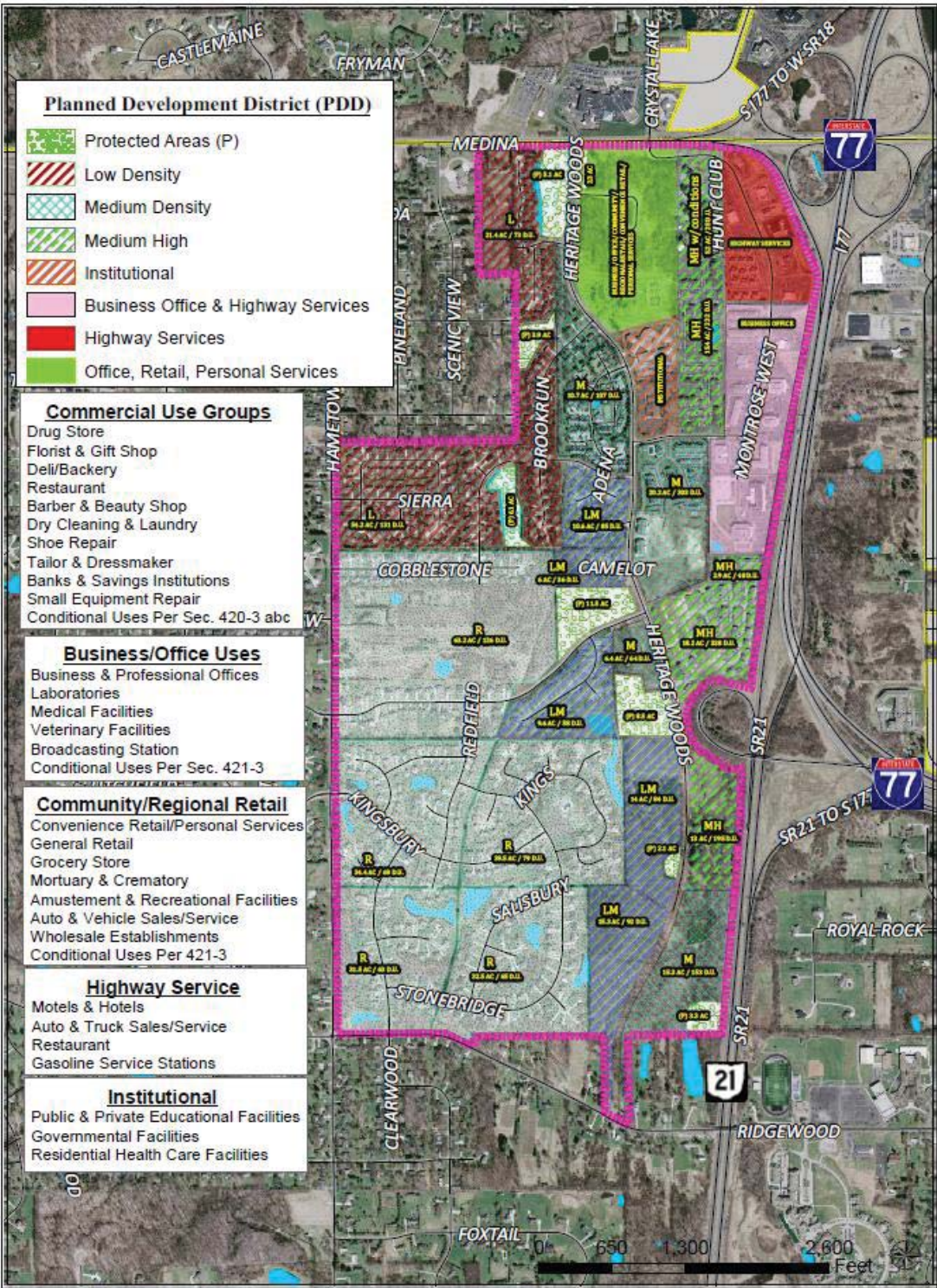
Planned Development District (PDD)

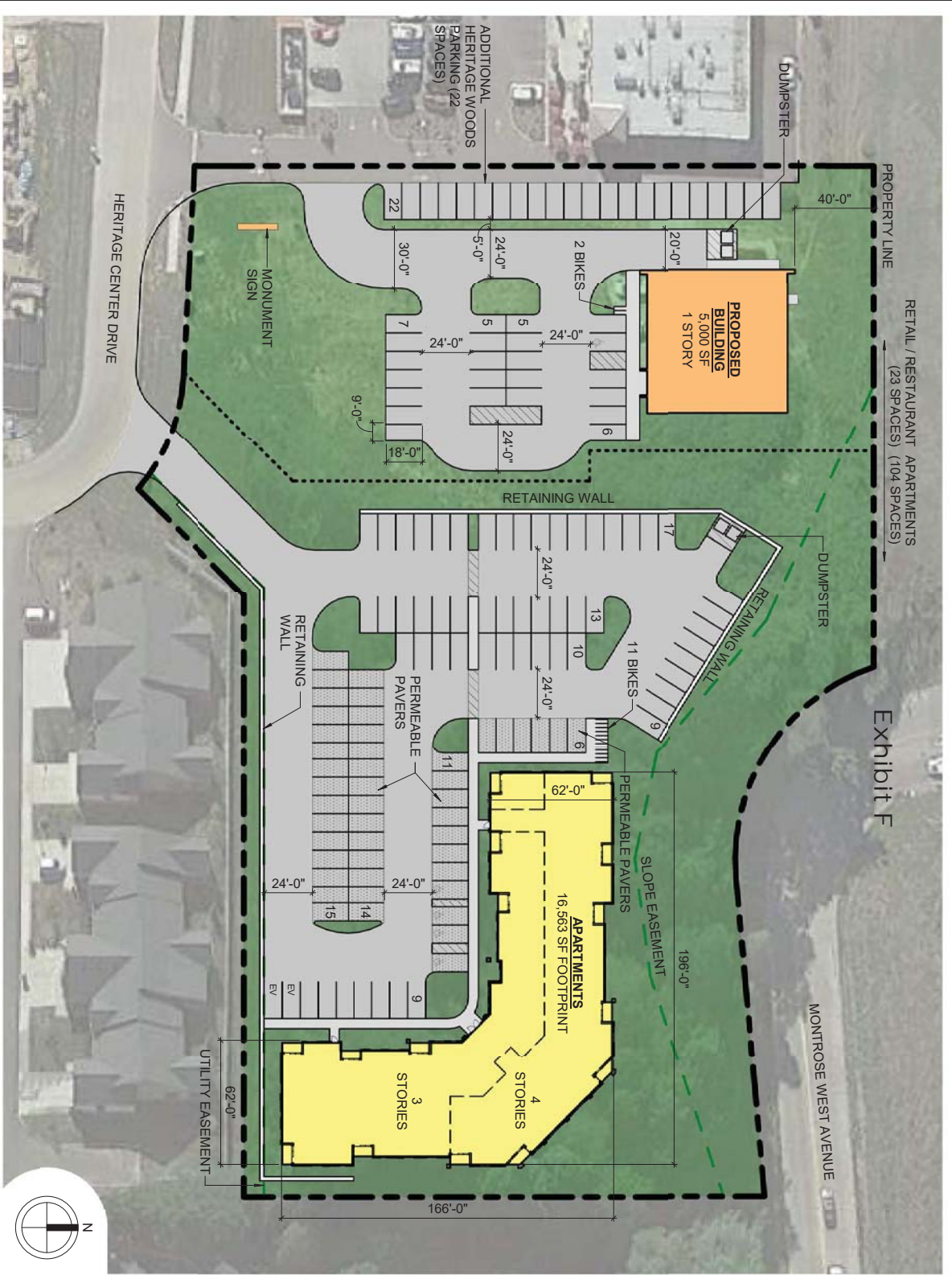
	Protected Areas (P)
	Low Density
	Medium Density
	Medium High
	Institutional
	Business Office & Highway Services
	Highway Services
	Office, Retail, Personal Services

Commercial Use Groups

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







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) 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





Planning Commission
Zoning Text Amendment
Performance Bonds
Northfield Center Township

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

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:

Add a new definition to Chapter 130 “Definitions” to read:

Performance Bond: Any security that may be accepted by a governmental entity to ensure that improvements required as part of an application for development will be satisfactorily completed.

Add to Chapter 530 “Board of Zoning Appeals”, Section 530.07, a letter F to read:

F. Refundable Performance Bond.

1. The Board of Zoning Appeals shall have the power to impose a refundable Performance Bond as it deems necessary.
2. The Performance Bond shall not be refunded until recommended by the Zoning Inspector.
 - a. If after sixty (60) days the obligor is not in compliance than the Board of Zoning Appeals upon recommendation of the Zoning Inspector may bring such legal action on behalf of the Township to forfeit the bond and such other remedies provided by Ohio Revised Code 519.24
 - b. Township Trustees shall set the Bond amounts for both Residential and Commercial.

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



County of Summit - The High Point of Ohio

Planning Commission
Zoning Text Amendment
Business Residential
Northfield Center Township

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

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	Reserved. Supplemental building requirements for B-R Districts.		

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
A. Residential				
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. Offices				
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
C. Retail/Services				
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				
------------------	--	--	--	--

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	
E. Community Facilities				
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	25,000 sq.ft.	25,000 sq.ft.	25,000 sq.ft.	--
a) Single-family dwelling	25,000 sq.ft.	NP	25,000 sq.ft.	NP
b) Two-family dwelling	25,000 sq.ft.	NP	25,000 sq.ft.	NP
c) Multi-family dwelling	NP	NP	40,000 sq.ft.	NP
3. Lot width at building line	100 ft.	100 ft.	100 ft.	--
4. Street frontage	100 ft. (a)	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.(c)	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-R Business Residential	T-C Town Center	C-1 Commercial	C-4 Planned Shopping Center
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 st 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.

Permitted Uses	B-R Business Residential
D. Residential	
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>
E. Offices	
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>	
F. Retail/Services	
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)	
F. Auto Oriented	
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)	
G. Community Facilities	
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. Project size	=
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>	
^(b) <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

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

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.

Type of Dwelling Unit	Minimum Floor Area
1. Single-Family Unit	
a) Total floor area per dwelling unit	1,500 sq. ft.
b) 1 st 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. 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

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

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**.



Planning Commission
Riparian Variance
Lot 21 Kings Ridge Dr.
Richfield Township

EXECUTIVE SUMMARY

The site is located in Richfield Township along Kings Ridge Rd, PN 4802421. The applicant is proposing to build a house which would encroach upon the riparian setback. Per the applicant: There is a stream with a 50 foot Riparian Setback that takes up 82% of the allowed buildable area.

Staff recommends **DISAPPROVAL**.

Item No.: 7	Parcel No.: 4802421
Meeting: May 26, 2022	Area: 2.3 acres
Owner: Daniel Delfino & Mindy E. Delfino	Council District: District 1
	Processor: Stephen Knittel

Proposal: The applicant is proposing to build a house which would encroach upon the riparian setback. Per the applicant: There is a stream with a 50 foot Riparian Setback that takes up 82% of the allowed buildable area.

Agency Comments: *Italicized text indicates quotations from submitted agency comments.*

SWCD: Sasha Mikheidze, 5/10/2022:

We cannot support a variance being granted in this case. They are proposing significant impacts to the riparian setback and it also appears as though they wish to place the septic system within the setback as well. This office does not support the granting of a variance for this project as it is proposed.

Per the applicant:

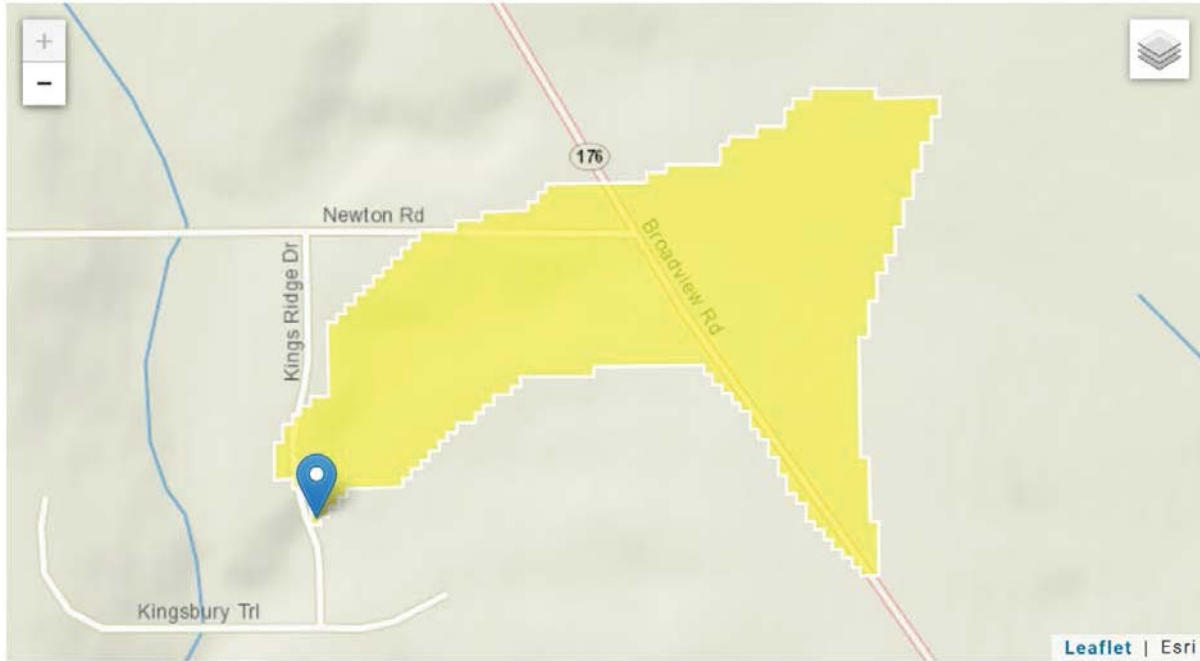
- There is a stream with a 50 foot Riparian Setback that takes up 82% of the allowed buildable area.
- When applying the front yard setback and riparian setback, less that 30' buildable depth remains to construct a house, which makes the lot unbuildable. Additionally, over 82% of the area within the building setbacks is taken up by the Riparian Setback area.
- Affect on stream and riparian area will be minimal. A small percentage of the total stream riparian area will be affected (Less than 0.25 acres) by new construction. Additional area east of the stream outside the riparian setback be undisturbed (0.35 acres). Sediment controls will be used during construction.

- This parcel has been on the market for a long time, so a number of options have been explored with no success. It should be noted that a 15' front yard setback variance is also being proposed to minimize the impact to the riparian setback.

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

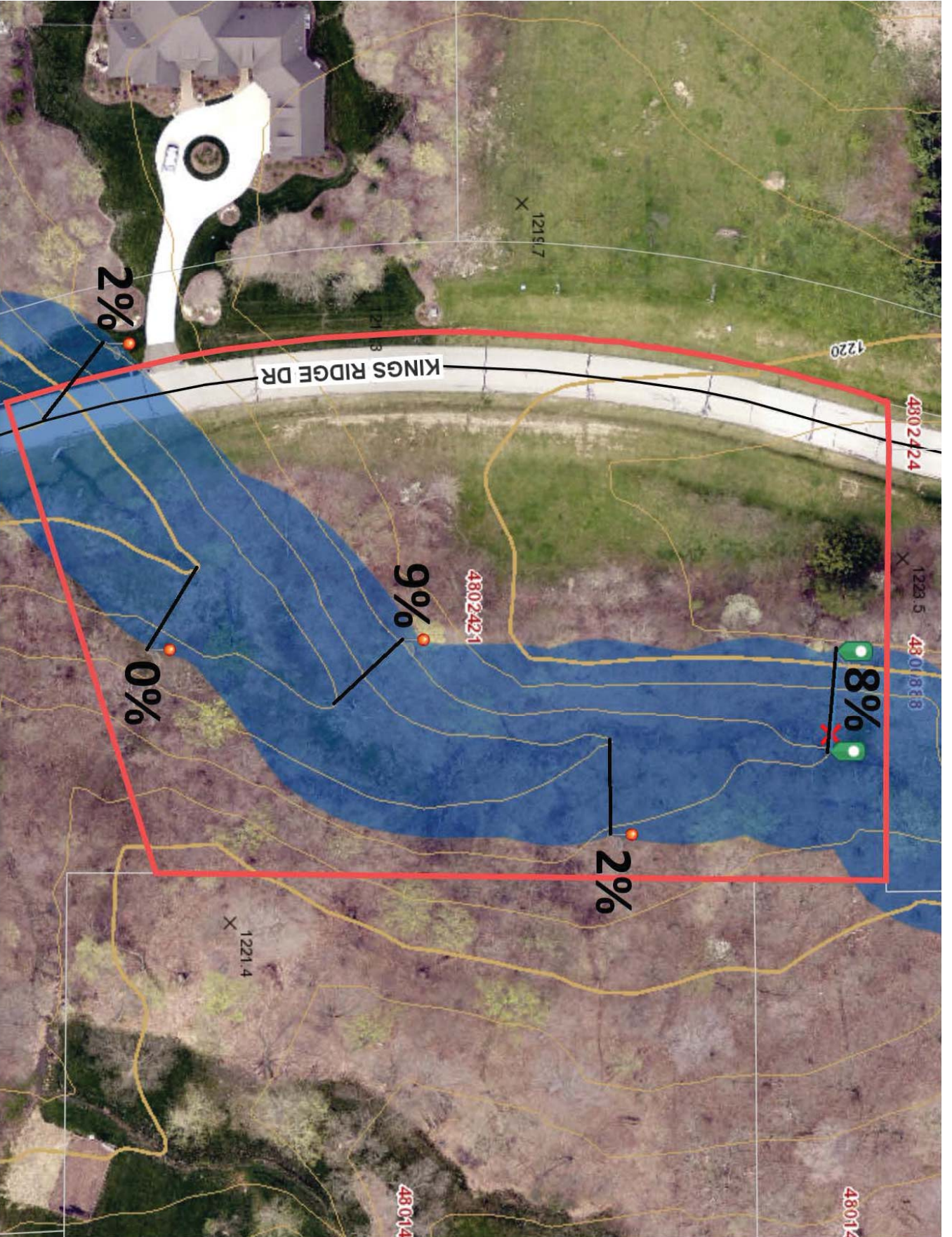
StreamStats Report

Region ID: OH
Workspace ID: OH20220510121108621000
Clicked Point (Latitude, Longitude): 41.25857, -81.67672
Time: 2022-05-10 08:11:35 -0400



Basin Characteristics

Parameter Code	Parameter Description	Value	Unit
DRNAREA	Area that drains to a point on a stream	0.0668	square miles





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 Neff and Associates (Brian Uhlenbrock)

Address 6405 York Rd. Parma Heights, Ohio 44130

Phone 440-884-3100

Email buhlen@neff-assoc.com

OWNER INFORMATION

Owner Daniel Delfino & Mindy E. Delfino

Address _____

Phone _____

Email dandelfino@icloud.com

SITE INFORMATION

Name of Subdivision _____

or Address Lot 21 Kings Ridge Dr.

Location 41.259334, -81.676382

Parcel No.'s 4802421

Creating Sublots _____

Acreage 2.349 Acres

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.)

A 50' riparian setback is required, where an encroachment of up to 44' is being requested.

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

Article:

Title 7

Section:

Section 937.05 (C)

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 stream with a 50 foot Riparian Setback that takes up 82% of the allowed buildable area.

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?

When applying the front yard setback and riparian setback, less than 30' buildable depth remains to construct a house, which makes the lot unbuildable. Additionally, over 82% of the area within the building setbacks is taken up by the Riparian Setback area.

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

No, the subdivision Plat was recorded in 2002 close to the same time the riparian setback ordinance was adopted

4. Explain whether the variance requested is substantial.

The variance will be minimal considering the entire stream watershed. Additionally, the proposed encroachment is only 18% of the total preserved riparian area on the property.

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.

The essential character of the neighborhood will not be substantially altered, and the adjoining property will be buffered by existing trees on and off site.

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?

The variance will not impact governmental services.

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.

Neff & Associates is familiar with the County Zoning Code and made the owner aware after initial code review was completed and recommended the variance request. This parcel has been on the market for a long time, so a number of options have been explored with no success.

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

Other methods and variances have been explored, and this variance was determined to be the best solution.

9. Explain how the variance from the Subdivision Regulations will not be contrary to the public interest. The intent is to assure the streams and their banks are maintained and protected from erosion. Considering the entire watershed, this encroachment is minimal and proper erosions control measures will be employed during and post construction to assure stream is protected.

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

This variance will minimally diverge from the spirit and intent behind the Subdivision Regulations, and will mostly go unnoticed as a divation form the Subdivision Regulations.

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

N/A, lot is already created, no division of land being proposed.

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

Name Neff and Associates, attn: Brian Uhlenbrock

Address 6405 York Rd. Parma Heights, Ohio 44130

Phone 440-884-3100

Email buhlen@neff-assoc.com

Respectfully submitted this 26 day of April, 2022

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



04/26/2022

Applicant's or Authorized Representative's Signature

Date

Fee Amount Paid: _____

Date Application Received: _____

Number of Lots: _____

Staff: _____

**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: Neff & Associates (Brian Uhlenbrock)

Street Address: 6405 York Rd

City, Village, or Township: Parma Heights, Ohio Zip Code: 44130

Phone: 440-884-3100 FAX: N/A Email: buhlen@neff-assoc.com

Location of property: 41.259334, -81.676382

Parcel number (s): 4802421

Stream name (if unnamed, nearest named stream it flows into): Kings Creek

Owner of property: Daniel Delfino & Mindy E. Delfino

Street Address: 1051 River Woods Drive

City, Village, or Township: Hinkley, Ohio Zip Code: 44233

Phone: _____ FAX: _____ Email: dandelfino@icloud.com

Give a brief description of the nature of the variance: _____

Section 937.05 (C) requires a 50' riparian setback, where an encroachment of up to 44' is being requested.

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? 10 (feet)

2. Explain how the stream and riparian area may be affected by this variance. _____
Affect on stream and riparian area will be minimal. A small percentage of the total stream riparian area will be affected (Less than 0.25 acres) by new construction. Additional area east of the stream outside the riparian setback be undistured (0.35 acres). Sediment controls will be used during construction.

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

There will be minimal to no affect to upstream and downstream properties.

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

The variance will predominantly go unnoticed by the public, therefore will not impact public interest. Additionally proper erosion control practices employed during and after construction will mitigate any potential negative environmental affects.

5. Explain whether the variance requested is substantial.

The variance will be minimal considering the entire stream watershed. Additionally, the proposed encroachment is only 18% of the total preserved riparian area on the property.

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

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

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

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

When applying the front yard setback and riparian setback, less that 30' buildable depth remains to construct a house, which makes the lot unbuildable. Additionally, over 82% of the area within the building setbacks is taken up by the Riparian Setback area.

8. What alternatives to the variance have been explored?

This parcel has been on the market for a long time, so a number of options have been explored with no success. It should be noted that a 15' front yard setback variance is also being proposed to minimize the impact to the riparian setback.

9. Did you acquire the property before or after May 29, 2002, when the Riparian Setback Ordinance was enacted? Subdivision Plat was recorded in 2002. The lot appeared to work at that time.
How were you made aware of the Riparian Setback Ordinance?
Neff & Associates is familiar with the County Zoning Code and made the owner aware after
initial code review was completed and recommended the variance request.

10. Explain how the spirit and intent behind the Riparian Setback Ordinance will be observed if the variance is granted:
The intent is to assure the streams and their banks are maintained and protected from erosion. As
mentioned previously, considering the entire watershed, this encroachment is minimal and proper
erosions control measures will be employed during and post construction to assure stream is protected.

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).

N/A, lot is already created.

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

Applicant: Neff and Associates

Address: 6405 York Rd. Parma Heights, Ohio 44130

Respectfully submitted this 26 day of April, 2022

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



Signature of Applicant or Authorized Representative

04/26/2022

Date

For Office Use Only

Fee Amount Paid: _____

Date Application Received: _____

Staff: _____

Comments:

ABBREVIATIONS

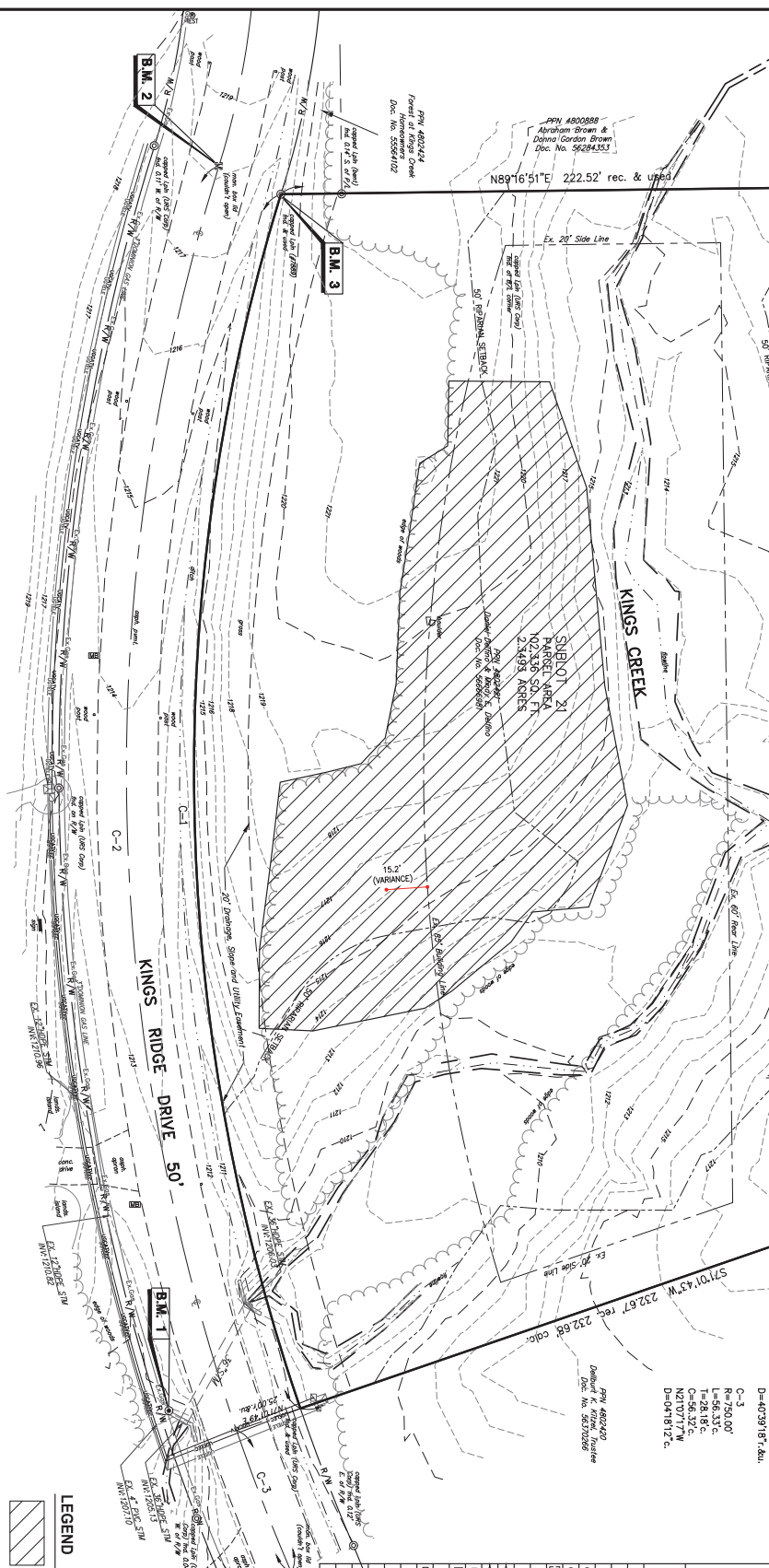
- ASH - AUTOMATED FINING NO.
- ASH - ASH FALTED
- C - CENTER LINE
- CONC - CONCRETE
- CORNER - CORNER LINE
- CLAR - COUNTY MAP RECORD
- CLAR - COUNTY MAP RECORD
- EXIST - EXISTING
- FIN - FOUND
- FLOOR - FLOOR FINISH ELEVATION
- INSB - INSTRUMENT
- LAND - LIMITED ACCESS
- LAND - LIMITED ACCESS
- O.C. - OBSERVED
- O.C. - OBSERVED
- P.P.L. - PROPERTY LINE
- P.P.L. - PROPERTY LINE
- P.P.L. - PROPERTY LINE
- P.P.L. - PROPERTY LINE
- R.F.M. - RIGHT OF WAY
- R.F.M. - RIGHT OF WAY
- VOL - VOLUME
- SAN - SANITARY
- SAN - SANITARY
- SWR - SWIRE
- INVT - INVERT
- HOE - HOE POINT
- POL - POLYETHYLENE PIPE

SYMBOL LEGEND (EXISTING)

- PROPERTY LINE
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CLINE DATA

- C-1 R=725.00' L=456.88' c. 456.87', T=28.51°, del. L=456.88', del. T=28.51°
- C-2 R=750.00' L=532.17' del. L=532.17' del. T=27.84°, del. T=27.84°
- C-3 R=750.00' L=532.17' del. L=532.17' del. T=27.84°, del. T=27.84°
- D-1 R=20.00' L=21.07' W=21.07' T=90°
- D-2 R=20.00' L=21.07' W=21.07' T=90°
- D-3 R=20.00' L=21.07' W=21.07' T=90°



LEGEND

THINGS TO BE CLEARED (SHOWN AREAS)

- EX. SANITARY SEWER
- EX. SEWER SEWER
- EX. WATER LINE
- EX. GAS LINE
- EX. UNDERGROUND ELECTRIC
- EX. UNDERGROUND TELEPHONE
- EXISTING DRIVEWAY
- EXISTING MAILBOX
- EXISTING SANDTRAP
- EXISTING SEWER
- EXISTING WATER LINE
- EXISTING GAS LINE
- EXISTING UNDERGROUND ELECTRIC
- EXISTING UNDERGROUND TELEPHONE

BENCH MARKS

B.M. 1.1. BENCH MARK SET NORTH SIDE TOP OF ROADWAY	ELEV. 1226.74 (NAVD83)
B.M. 2.2. SOUTH WEST CORNER OF MONUMENT BOX	ELEV. 1218.18 (NAVD83)
B.M. 2.3. CORNER IRON PIN AT THE PROPERTY CORNER	ELEV. 1217.68 (NAVD83)
B.M. 2.4. CORNER IRON PIN AT THE PROPERTY CORNER	ELEV. 1217.68 (NAVD83)
ALL VERTICAL BENCH MARKS, REPRODUCTION, STATION, ELEV., C.R.S., VMS	
FIELD OBSERVATIONS DATED MARCH 16, 2022	

The underground utilities shown have been located from field survey. The underground utilities shown are not intended to be used for any purpose other than the one for which they were installed. It is the responsibility of the user of this plan to verify that the underground utilities shown are in fact as shown and to verify that they are in fact as shown and to verify that they are in fact as shown.

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SURVEY CERTIFICATION

NEFF Technical LLC, an Ohio limited liability company
Ohio Republic National Title Insurance Company

This is to certify that this map or plat and the survey on which it was based were made in accordance with the laws of the State of Ohio and the rules and regulations of the Board of Surveyors and were established and adopted by A.L.H. and N.P.S. and include thereon 1, 2, 3, 4, 5, 7(a), 7(b)(1), 7(c), 8, 9, 10(a), 11, 12, 13, 14, 15, 16, 17, 18 and 19 of Title 47 hereof.

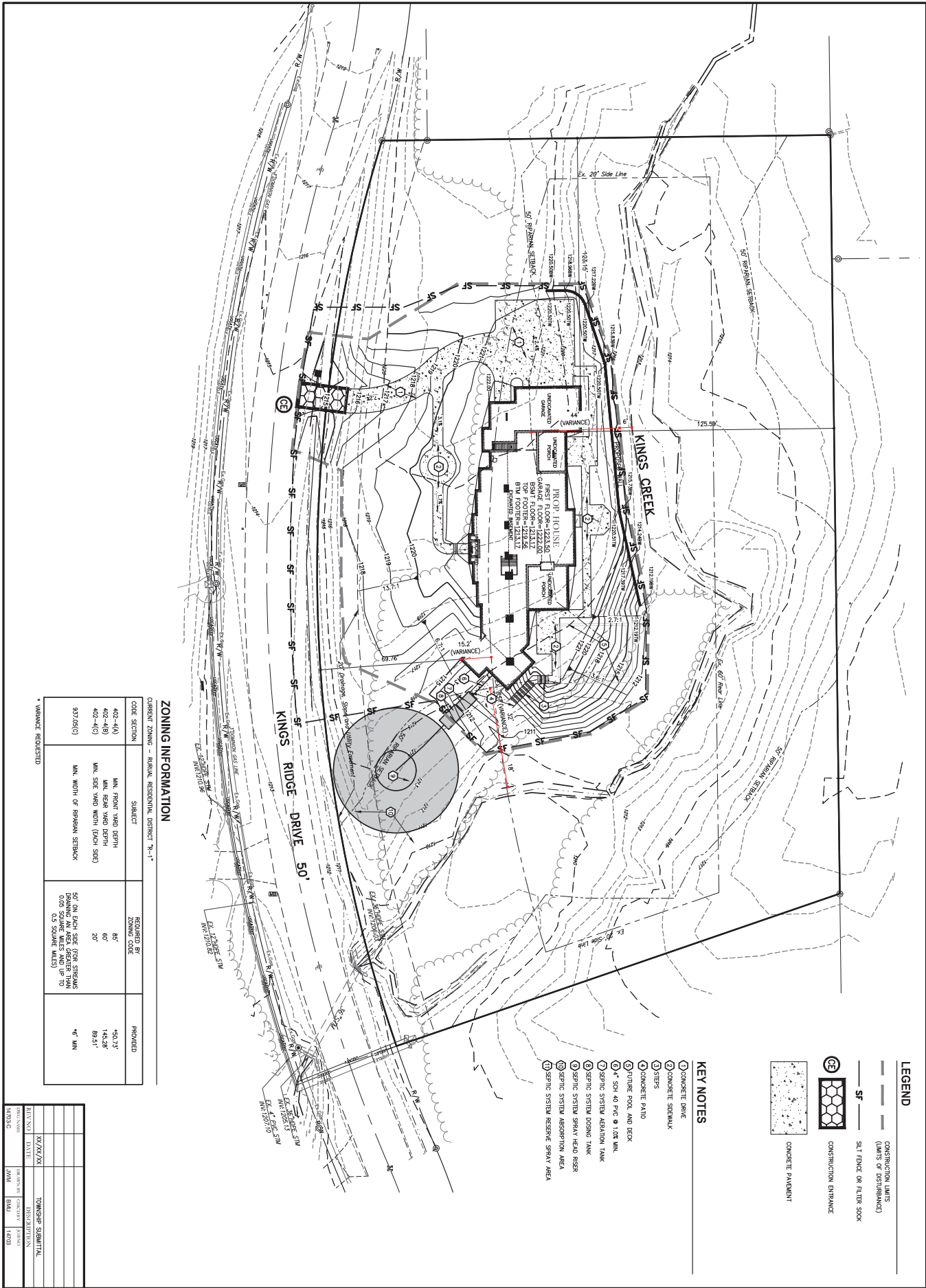
The field work was completed on March 16, 2022.

March 30, 2022

DATE	BY	REVISION

PROJECT INFORMATION

PROJECT NO.	16_2022
DATE	MARCH 16, 2022
CLIENT	DELFINO RESIDENCE - S/L 21 - THE FOREST AT KINGS CREEK
PROJECT LOCATION	TOWNSHIP 30 NORTH, RANGE 11 WEST, MERIDIAN 119 WEST
PROJECT AREA	14.00 ACRES
PROJECT OWNER	DELFINO RESIDENCE - S/L 21 - THE FOREST AT KINGS CREEK
PROJECT ARCHITECT	DELFINO RESIDENCE - S/L 21 - THE FOREST AT KINGS CREEK
PROJECT ENGINEER	DELFINO RESIDENCE - S/L 21 - THE FOREST AT KINGS CREEK
PROJECT SURVEYOR	DELFINO RESIDENCE - S/L 21 - THE FOREST AT KINGS CREEK



ZONING INFORMATION
CURRENT ZONING - RURAL RESIDENTIAL DISTRICT "R-1"

CODE SECTION	SUBJECT	REQUIRED BY ZONING CODE	PROPOSED
402-141)	MIN. FRONT YARD DEPTH	50'	40.21'
402-149)	MIN. REAR YARD DEPTH	60'	145.28'
402-141)	MIN. SIDE YARD WIDTH (EACH SIDE)	20'	89.51'
937.05(c)	MIN. WIDTH OF BRUSHY SETBACK	50' ON EACH SIDE (FOR STREAMS 0.05 SQUARE FEET AND UP TO 0.5 SQUARE FEET)	46' MIN.

* VARIANCE REGISTERED

- LEGEND**
- CONSTRUCTION LIMITS (LIMITS OF DISTURBANCE)
 - SF SITE FENCE OR FILTER SOCK
 - CONSTRUCTION ENTRANCE
 - CONCRETE PAVEMENT

- KEY NOTES**
- CONCRETE DRIVE
 - CONCRETE SIDEWALK
 - STEPS
 - CONCRETE PATIO
 - OUTSIDE POOL AND DECK
 - 4" SCH 40 PVC @ 1.02 MIN.
 - SEPTIC SYSTEM AERATION TANK
 - SEPTIC SYSTEM DOSING TANK
 - SEPTIC SYSTEM SPRAY FIELD RISER
 - SEPTIC SYSTEM ABSORPTION AREA
 - SEPTIC SYSTEM RESERVE SPRAY AREA

REV	DATE	BY	CHK	DESCRIPTION
1	10/15/20	JMS	BMJ	ISSUANCE FOR PERMITTING
2	10/15/20	JMS	BMJ	ISSUANCE FOR PERMITTING

NEFF & ASSOCIATES
Civil & Mechanical Engineers • Planners • Surveyors
840 York Road, Parma Heights, OH 44130
440.884.3100 | Fax: 440.884.3104
www.neffandassociates.com

PROJECT INFORMATION

SHEET NO. 1 OF 1

TOWNSHIP RESIDENTIAL

DELFINO RESIDENCE - SL 21 - THE FOREST AT KINGS CREEK
SITE LAYOUT, GRADING, AND UTILITY PLAN
TOWNSHIP OF RICHFIELD, COUNTY OF SUMMIT, STATE OF OHIO

SCALE
1" = 10'

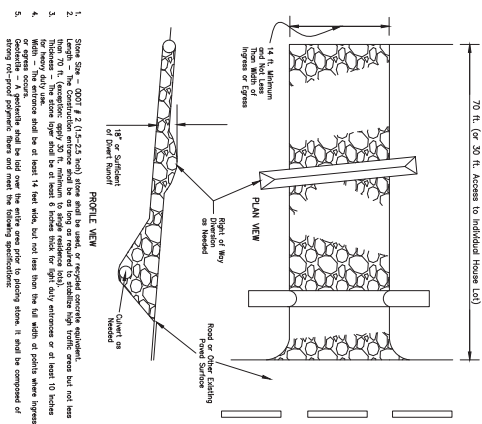
NORTH

DATE
10/15/2020

Construction Entrance

Description - The entrance shall be established with a portable mat to reduce the amount of mud tracked off-site with construction traffic. Located at points of ingress/egress, the mat is used to reduce the amount of mud tracked off-site with construction traffic.

Specifications for Construction Entrance



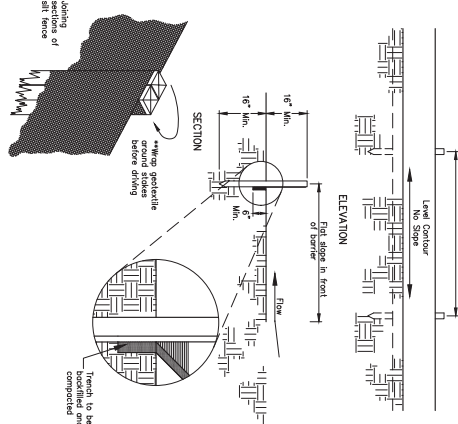
Geotechnical Specifications for Construction Entrances	
Minimum Tensile Strength	200 lbs
Minimum Tear Strength	50 lbs
Minimum Burst Strength	1000 psi
Minimum Elongation	20%
Equivalent Opening Size	EQ-0.075 mm
Permeability	1x10 ⁻⁷ cm/sec

1. Stone Size - (DOT 7 2 1/2-2.2 hole) stone shall be used or recycled concrete equivalent.
2. Thickness - The stone layer shall be at least 14 inches thick for light duty entrance or at least 10 inches thick for heavy duty entrance.
3. Width - The stone layer shall be at least 14 feet wide, but not less than the full width of points where ingress/egress occurs.
4. Details - A portable mat shall be laid over the entire area prior to placing stone. It shall be composed of heavy duty polypropylene spun out from the following specifications:

Silt Fence

Description - To control sediment, silt fences are a portable fence, temporary and non-permanent. Silt fences are used to prevent erosion and sediment from leaving the construction site. Silt fences are used to prevent sediment from leaving the construction site. Silt fences are used to prevent sediment from leaving the construction site.

Specifications for Silt Fence



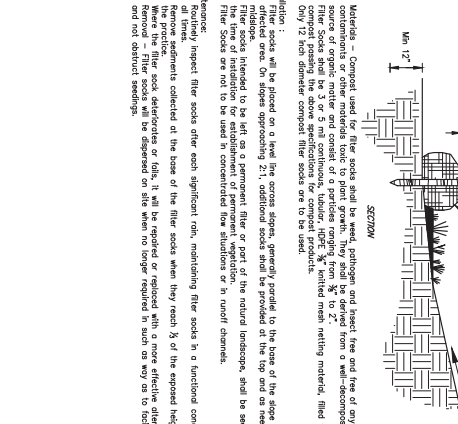
1. Silt fence shall be constructed before uplope land disturbance begins.
2. All silt fence shall be placed as close to the contour as possible so that water will not concentrate at the silt fence and cause erosion.
3. Silt fence shall be placed on a firm, stable surface.
4. Silt fence shall be placed on a firm, stable surface.
5. Where possible, vegetation shall be preserved for 3 feet (or as much as possible) upslope from the silt fence.
6. The silt fence shall be a minimum of 16 inches above the adjacent ground surface.
7. The silt fence shall be made with a polypropylene fabric, geotextile, or other suitable device.
8. The silt fence shall be placed with the stakes on the down-slope side of the geotextile. A minimum of 8 inches deep trench shall be excavated on each side of the fabric.
9. Silt fence shall be placed with the stakes on the down-slope side of the geotextile. A minimum of 8 inches deep trench shall be excavated on each side of the fabric.
10. Maintenance - Silt fence shall be inspected and maintained on a regular basis. If the silt fence is damaged, it shall be repaired or replaced. If the silt fence is damaged, it shall be repaired or replaced.

Fabric Properties		Values	Test Method
Minimum Tensile Strength	120 lbs (25 N)	ASTM D4833	
Minimum Burst Strength	50 lbs (220N)	ASTM D4833	
Minimum Tear Strength	40 lbs (180 N)	ASTM D4833	
Equivalent Opening Size	≤ 0.075 mm	ASTM D4833	
Permeability	1x10 ⁻⁷ cm/sec	ASTM D4833	
UV Exposure Strength Retention	70%	ASTM D4833	

Filter Sock

Description - To control sediment, filter socks are a portable fence, temporary and non-permanent. Filter socks are used to prevent erosion and sediment from leaving the construction site. Filter socks are used to prevent sediment from leaving the construction site.

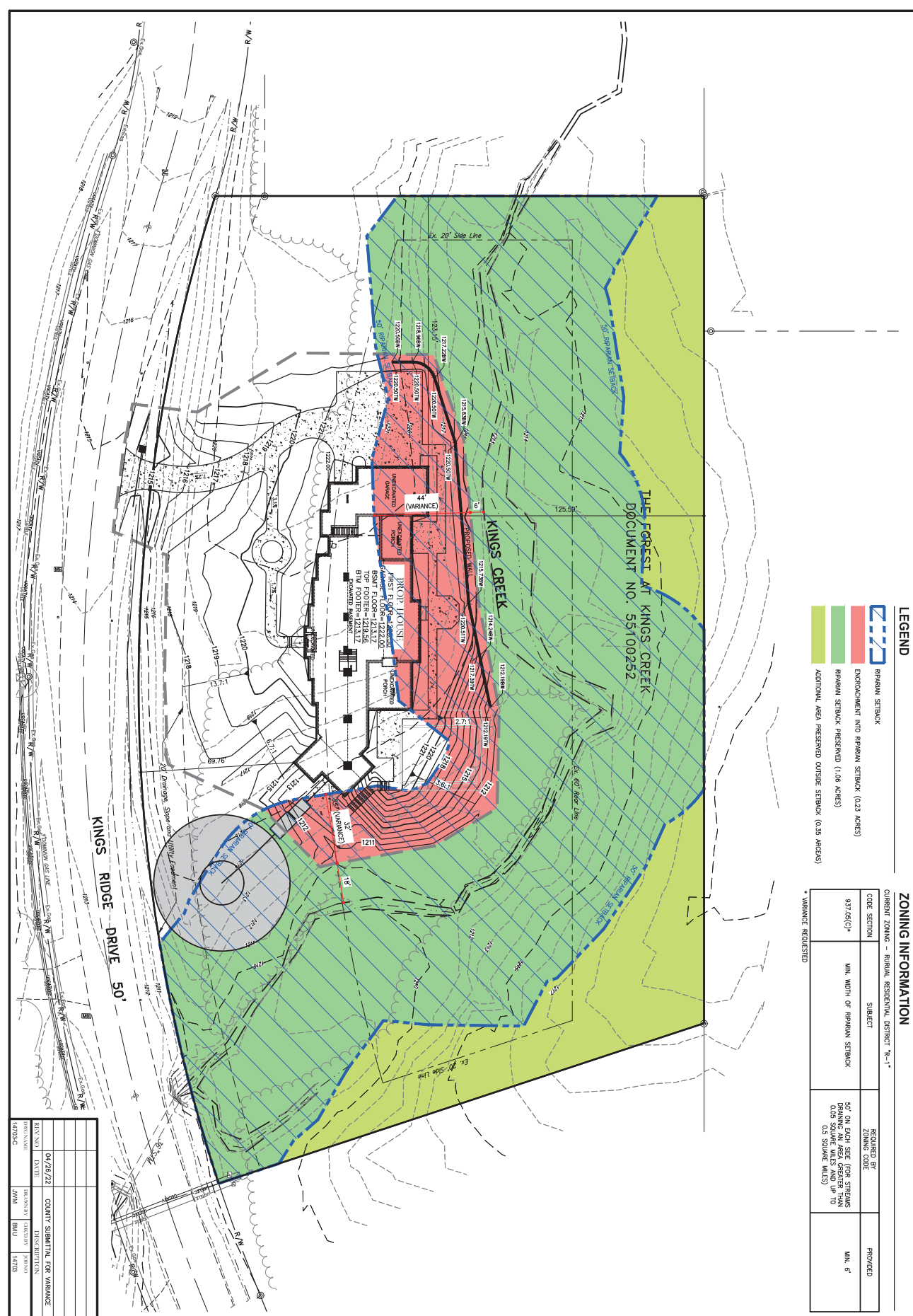
Specifications for Filter Sock







1. Materials - Compact used for filter socks shall be weed, geotextile and short fiber and free of any rocks, contaminants or other materials toxic to plant growth. They shall be derived from a well-identified source of organic matter and consist of particles ranging from 1/8 to 2 inches in size.
2. Compact - The compact shall be placed on a firm, stable surface.
3. Only 12 inch diameter compact filter socks are to be used.
4. Installation - Filter socks will be placed on a level log score stream, generally parallel to the bank of the slope or other affected area. On slopes approaching 2:1, additional socks shall be needed at the top and or needed at the bottom.
5. The use of installation for establishment of permanent vegetation.
6. Filter socks are not to be used in concentrated flow situations or in small channels.
7. Maintenance - Inspect filter socks after each significant rain, maintaining filter socks in a functional condition at all times.
8. If the filter sock becomes clogged or fails, it will be replaced with a more effective alternative.
9. Where the filter sock deteriorates or fails, it will be replaced with a more effective alternative.
10. Filter socks are not to be used in concentrated flow situations or in small channels.

DATE	BY	CHKD	APP'D
10/24/24	JMW	BMJ	JFM
SHEET NO. 3 OF 3			
PROJECT: TOMSAP SUBMITTAL			
LOCATION: DISSEMINATION			
DATE: 10/24/24			





LEGEND

-  RIPARIAN SETBACK
-  ENHANCEMENT AND RIPARIAN SETBACK (0.23 ACRES)
-  RIPARIAN SETBACK PRESERVED (1.08 ACRES)
-  ADDITIONAL AREA PRESERVED OUTSIDE SETBACK (0.35 ACRES)

ZONING INFORMATION

CURRENT ZONING - RURAL RESIDENTIAL DISTRICT "R-1"	SUBJECT	REQUIRED BY ZONING CODE	PROPOSED
037.06(C)*	MIN. WIDTH OF RIPARIAN SETBACK	50' ON EACH SIDE (FOR STREAMS 0.05 SQUARE MILES AND UP TO 0.25 SQUARE MILES)	MIN. 6'

* VARIANCE REQUESTED

DATE	04/28/22	COUNTY SUBMITTAL FOR VARIANCE
REVISION	DATE	DESCRIPTION
14793-C	JMW	BMU 14793

NEFF & ASSOCIATES
 6405 York Road | Parma Heights, Ohio 44130
 Tel: 440.884.3100 | Fax: 440.884.3104
 www.neffassoc.com

PRIVATE RESIDENCE - S/L 21 - KINGS RIDGE DRIVE
RIPARIAN SETBACK - VARIANCE SETBACK
 RICHFIELD TOWNSHIP, COUNTY OF SUMMIT, STATE OF OHIO

SHEET NO. 1 OF 1

SCALE: 1" = 20' HORIZ. 1" = 2' VERT.

NORTH