

AKRON BOARD OF ZONING APPEALS

MEETING OF WEDNESDAY, OCTOBER 25, 2023 – 9:00 A.M.

COUNCIL CHAMBERS, THIRD FLOOR, MUNICIPAL BUILDING







166 SOUTH HIGH STREET

- (1) **CORRECTION** and **APPROVAL** of Minutes of September 27, 2023.
- (2) **PUBLIC HEARINGS:**
- (A) **APPEAL #08-2023-Z** – Appeal of Summit County Public Health to construct a drive-thru and canopy at 1867 W. Market Street.
- (B) **APPEAL #10-2023-Z** – Appeal of Jack Ragan to vary the front building line setback to construct an addition at 309 Sandhurst Road.

TT/emd

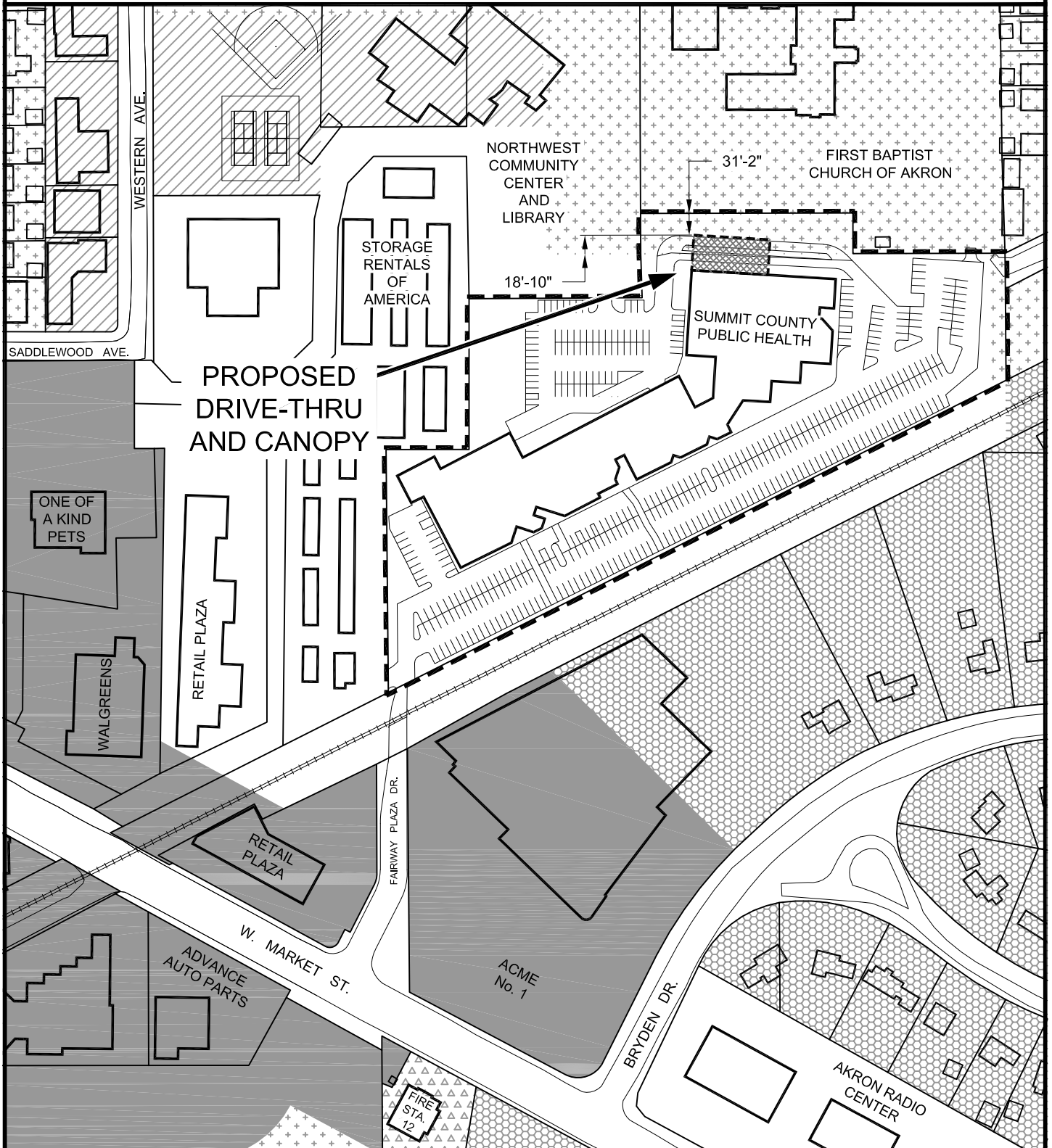
Appeal #08-2023-Z

Appeal of Summit County Public Health to construct a drive-thru and canopy at 1867 West Market Street

- | | |
|--|--|
|  U1 Single Family Residential |  UG Government |
|  U1 Two Family Residential |  U3 Retail Business |
|  ULB Limited Business |  U4 Commercial |



0 200'
Created 10/13/2023 jwh
Revised 10/13/2023 jwh



MEMORANDUM

TO: AKRON BOARD OF ZONING APPEALS **ITEM # 2A**
APPEAL #08-2023-Z

FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT

DATE: OCTOBER 25, 2023 **WARD:** 8
COUNCILPERSON: Malik

SUBJECT: APPEAL #08-2023-Z – Appeal of Summit County Public Health to
construct a drive-thru and canopy at 1867 West Market Street

REASON FOR APPEAL: Sec. 153.240(F)

BOARD OF ZONING APPEALS AUTHORITY: Sec. 153.404(B)

GENERAL LOCATION: Northeast side of W. Market Street, northwest of the
Wheeling & Lake Erie Railway tracks

LAND USE IN THE SURROUNDING AREA:

NORTH SIDE: Church and community center/library
SOUTH SIDE: Retail and residential
EAST SIDE: Residential and retail
WEST SIDE: Commercial and retail

ZONED: Limited Business Use District (ULB, H1, A2);
Two Family Residence Use District (U1, H1, A2)

SIZE OF LOT & AREA: Irregularly shaped, containing approximately 7.55 acres of land

COMMENTS:

Summit County Public Health is the owner of approximately 7.55 acres of land generally located northwest of the Wheeling & Lake Erie tracks at West Market Street. The property is developed with the Fairway Center office building, housing several offices of the county's health department. Surrounding uses include a church and community center/library to the north, residential and retail to the south, and retail and commercial to the west. The property is primarily zoned Limited Business Use District (ULB, H1, A2), with a 50 feet by 300 feet strip of land along the north edge of the property zoned Two Family Residence Use District (U1, H1, A2). The Land Use and Development Guide Plan recommends a variety of uses across the property, including limited business, retail, and residential.

The Appellant, Summit County Public Health, is seeking permission to construct a canopy and drive-thru lane that would extend 18 feet, 10 inches into the two-family

residential zoning along the north side of the property. The Board of Zoning Appeals has the authority to allow the extension of a building or use into a more restricted district, but not more than 25 feet beyond the boundary line of the district in which the use is authorized.

The health department currently operates an outdoor vaccination clinic at the north end of the site. The submitted plans indicate that the present paved area along the north side of the building would be widened to accommodate two lanes of westward moving traffic. A striped buffer area would provide a safe area for the movement of department personnel. A new canopy measuring 50 feet, 7 inches in width and 110 feet in length would be constructed at the west end of the north side of the building, providing shelter from the elements while providing for the free movement of air. The canopy would be elevated to a height of 20 feet, consistent with the existing structure. It would feature a 5-foot band of vertical metal siding with prefinished metal coping along the top edge and would be supported by brick columns. At its furthest point at the northwest corner, the canopy would extend 18 feet, 10 inches into the two-family residential zoning district, preserving 31 feet, 2 inches of open space to the north lot line. A line of evergreen trees 10 feet in width would line the perimeter of the lot, screening the activity from adjacent uses. Because of the single direction of traffic along the north and west sides of the building, vehicles would exit through the adjacent community center/library parking lot. Gated, secure access between the northeast corner of the parking lot and the adjacent church parking lot would only provide an additional means of emergency access.

The Planning Staff is of the opinion that the proposed canopy and drive-thru should have minimal impact on the surrounding uses. The queuing area would be well-screened from view, and a distance of more than 200 feet to both the church and the nearest residence provides ample open space between other nearby uses. One objective of the Land Use and Development Guide Plan is to develop retail and office business areas in such a manner that they do not harm adjacent residential areas. Summit County Public Health's outdoor vaccination clinic provides an essential service to the community, and the Planning Staff is supportive of this request.

RECOMMENDATION:

The Planning Staff, in accordance with Section 153.426, recommends **APPROVAL** of the appeal of Summit County Public Health to construct a drive-thru and canopy at 1867 West Market Street, in accordance with the submitted plans entitled, "VACCINATION CLINIC DRIVE THRU; dated September 12, 2023," and subject to the following condition:

- (1) That the Appellant obtain all necessary building permits.

JH/emd

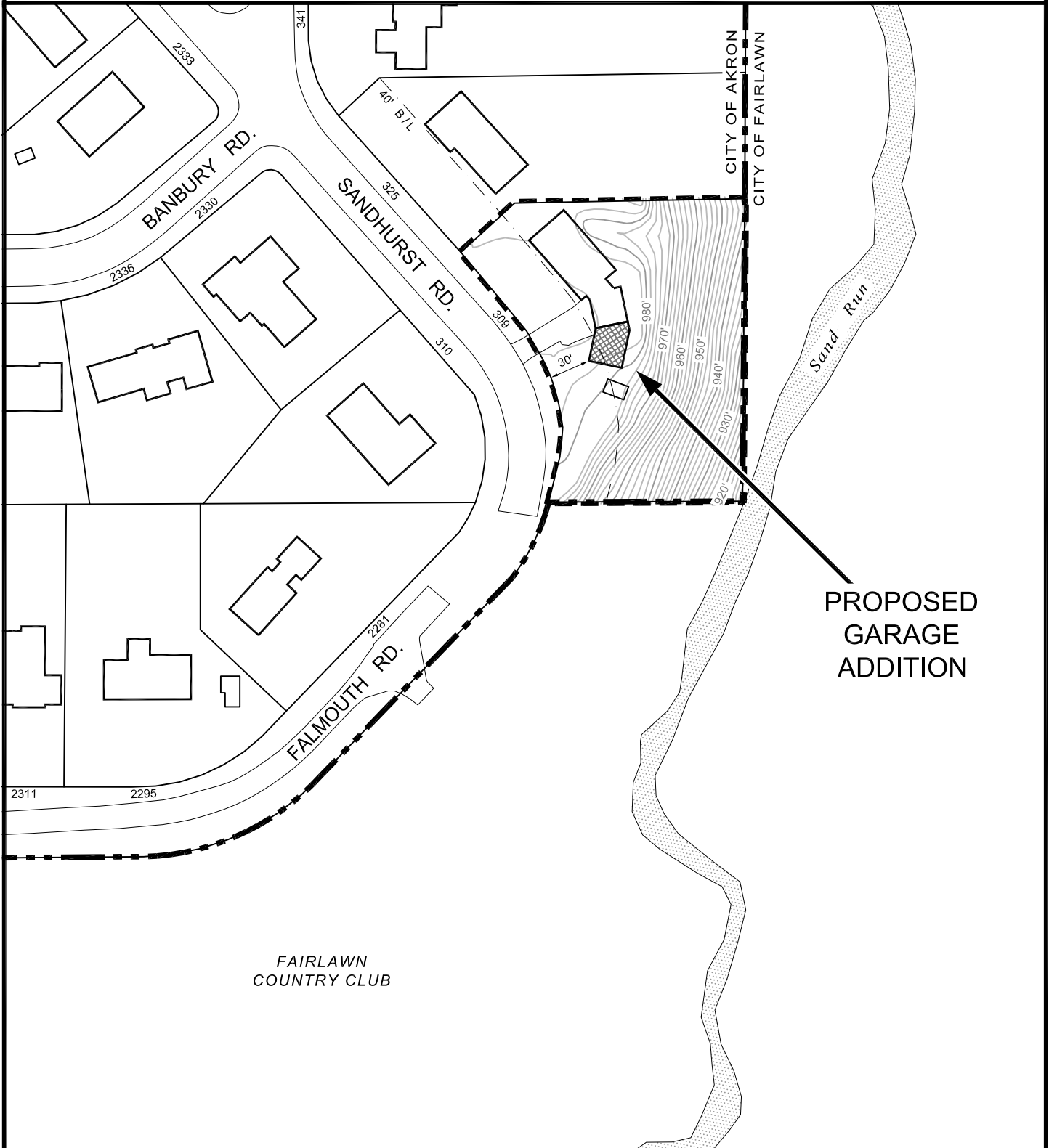
Appeal #10-2023-Z

Appeal of Jack Ragan to vary the building line setback to construct a garage addition at 309 Sandhurst Road

UI Single Family Residential



0 100'
Created 10/13/2023 jwh
Revised 10/13/2023 jwh



MEMORANDUM

TO: AKRON BOARD OF ZONING APPEALS **ITEM # 2B**
APPEAL #10-2023-Z

FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT

DATE: OCTOBER 25, 2023 **WARD:** 8
COUNCILPERSON: Malik

SUBJECT: **APPEAL #10-2023-Z**—Appeal of Jack Ragan to vary the front building line setback for vehicular parking at 309 Sandhurst Road.

REASON FOR APPEAL: 153.320

BOARD OF ZONING APPEALS AUTHORITY: 153.404(L)

GENERAL LOCATION: Southern End of Sandhurst Road

LAND USE IN THE SURROUNDING AREA:

NORTH SIDE: Single Family
SOUTH SIDE: Fairlawn Country Club
EAST SIDE: Fairlawn Country Club
WEST SIDE: Single Family

ZONED: Single Family Residential Use (U1, H1, A1) District

BUILDING LINE: 40 feet on Sandhurst Road

SIZE OF LOT & AREA: Irregularly shaped: 17,302 square feet area

COMMENTS:

Jack Ragan is the owner of a single-family dwelling located at the southeast end of Sandhurst Road, addressed as 309 Sandhurst Road. The corner lot contains 17,302 square feet of area. Surrounding uses are all residential with the exception of the Fairlawn Country Club to the immediate south and east of the property. The property is zoned Single Family Residential Use (U1, H1, A1) District in accordance with the Land Use and Development Guide Plan.

The Appellant is requesting permission to construct a garage addition within 10 feet of the Sandhurst Road right-of-way. Since the building line setback is 40 feet, the 10 foot variance for the addition requires Board of Zoning Appeals approval.

The southeast corner of the Appellant's ranch dwelling contains an attached two-car garage. The Appellant stated in their request that the reason for this appeal is because they are unable to utilize the rear portion of their wooded yard for this as there is a steep slope that drops off within a few feet of their home.

Planning staff have received no complaints about the property, and the location of the parking space is logical due to the configuration of the dwelling, and ample space exists between the garage addition and street pavement. As such, the addition should not be intrusive to the neighboring property. As such, the Planning Staff supports this request.

RECOMMENDATION:

The Planning Staff, in accordance with Section 153.426, recommends **APPROVAL** of the appeal of Jack Ragan to vary the Sandhurst Road building line setback to establish parking at 309 Sandhurst Road, in accordance with the submitted plans and subject to the following conditions:

- (1) That the garage does not extend more than 10 feet into the Sandhurst Road building line setback.
- (2) That the Appellants obtain all necessary building permits.
- (3) That the structure and layout of the addition conform substantially to the approved plans; however, minor changes may be approved by the Department of Planning and Urban Development.

BL/emd