

AKRON BOARD OF ZONING APPEALS

MEETING OF WEDNESDAY, JUNE 21, 2023 – 9:00 A.M.

COUNCIL CHAMBERS, THIRD FLOOR, MUNICIPAL BUILDING

166 SOUTH HIGH STREET

- (1) **CORRECTION** and **APPROVAL** of Minutes of May 24, 2023.






- (2) **PUBLIC HEARINGS:**
 - (A) **APPEAL #04-2023-Z** – Appeal of Ohio Edison/First Energy to vary the building line setback to construct a substation storage building at 91 Fremont Avenue.

 - (B) **APPEAL #05-2023-Z** – Appeal of Emily Collins to vary the rear yard and building line setbacks to construct an attached garage addition at 859 Bloomfield Avenue.

TT/emd

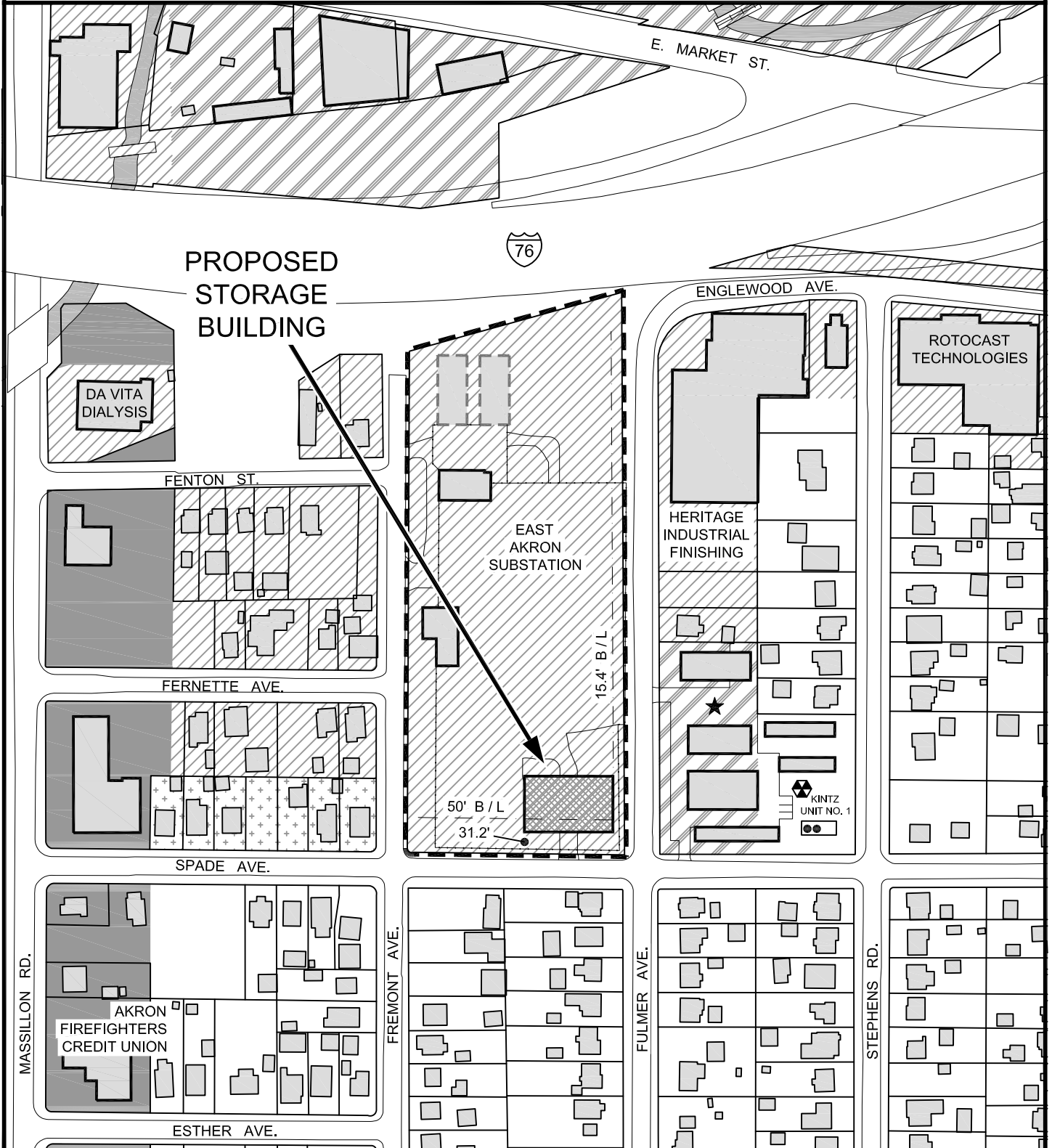
Appeal #04-2023-Z

Appeal of Ohio Edison/First Energy to vary the building line setback for a substation storage building at 91 Fremont Avenue

-  U1 Single Family Residential
-  U1 Two Family Residential
-  U3 Retail Business
-  Conditional Use
-  U4 Commercial
-  U5 Ordinary Industry



0 200'
Created 04/10/2023 jwh
Revised 06/07/2023 jwh



The proposed storage building would measure 80 feet by 127 feet for a total of 10,160 square feet of area. The building would be in the southeast corner of the large, 5.18-acre property, 31.20 feet north of the Spade Avenue and 16.52 feet west of the Fulmer Avenue right-of-way. Construction materials would consist of white vertical metal siding with a stone base and pilasters, along with a flat roof. An overhead garage door and a man door would be located along the northern and southern elevations, with two louvers each along the eastern and western elevations. A curb cut along Spade Avenue would provide access to the southern elevation of the building, with the northern elevation being accessed from the interior. The site will be enclosed by a chain link fence, with an entrance gate along Spade Avenue. The site will be landscaped. Signage is not depicted on the site plan.

This tract of land has been used for utility purposes since the beginning of the 20th century. The site currently contains three buildings near the northwest quadrant of the property, plus one building near the east side of Fremont Avenue near the middle of the property. Electrical substations occupy areas south and east of the buildings. The Appellant has stated that because of existing overhead transmission circuits and a future substation expansion, the storage building cannot be in the northern portion of the property. The prior brick storage building near the proposed new storage building, built in 1928, was recently demolished and the existing storage buildings in the northwest corner of the property will be removed soon. As such, all storage needs for the complex will occur in the proposed new building.

The Planning Staff has worked with the Appellant to achieve one objective of the Land Use and Development Guide Plan, which is to promote the use of good design and landscaping in all new and existing development. While the Planning Staff recognizes that the proposed storage building is an essential component in supplying reliable electricity to the surrounding community, the neighboring residential neighborhood must be protected. As such, the Appellant's willingness to shift the building further back off of Spade Avenue and employ more aesthetically-pleasing construction materials will be less intrusive to the abutting uses in this Ellet neighborhood. As such, the Planning Staff is supportive of this request.

RECOMMENDATION:

The Planning Staff, in accordance with Section 153.426, recommends **APPROVAL** of the appeal of Ohio Edison/First Energy to vary the building line setback to construct a substation storage building at 91 Fremont Avenue, in accordance with the submitted plans and subject to the following conditions:

- (1) That a landscape planting plan which conforms to the "Akron Development Guide" as referred to in Section 153.300-.310 of the Zoning Code be submitted to the Department of Planning and Urban Development for its review of

compliance with said guide; and that the landscaping be installed and maintained as shown on the approved plan.

- (2) That the Appellant submit a storm water management plan to control the run-off, siltation and sedimentation during construction and to control the run-off after the development is completed. This plan is to be consistent with all the requirements of Section 192.101-.114 of the Code of Ordinances and is to be subject to the approval of the Bureau of Engineering and submitted prior to the issuance of any building permits.
- (3) That the structures and layout of the development conform substantially to the approved plans; however, minor changes may be approved by the Department of Planning and Urban Development.
- (4) That all exterior building facade, wall and other surfaces at the property shall be kept in good repair, in a safe condition, and, if constructed of a non-weatherproof material, or if currently coated by stucco, paint or other treatment, or if required to be coated by the Building Code, shall be protected against decay from the elements, and shall be uniformly coated by paint or other treatment, free of chips, cracks, flaking, chalking, peeling or exposed underlying surfaces, and shall be free of holes, cracks, or broken, loose or decaying materials.
- (5) That the construction material of the exterior walls of the structures shall be subject to the approval of the Department of Planning and Urban Development.
- (6) That to ensure development as shown on the approved plans, a Performance Bond be placed with the Department of Planning and Urban Development at 100% of the estimated cost of the following:
 - (a) Landscaping installation as referred to in Item (1) above.
- (7) That as a prerequisite to the issuance of any building or grading permit incident hereto, the following be submitted to the City:
 - (a) Bond as referred to in Item (6) above.
 - (b) Landscape plan as referred to in Item (1) above.

KEP/emd

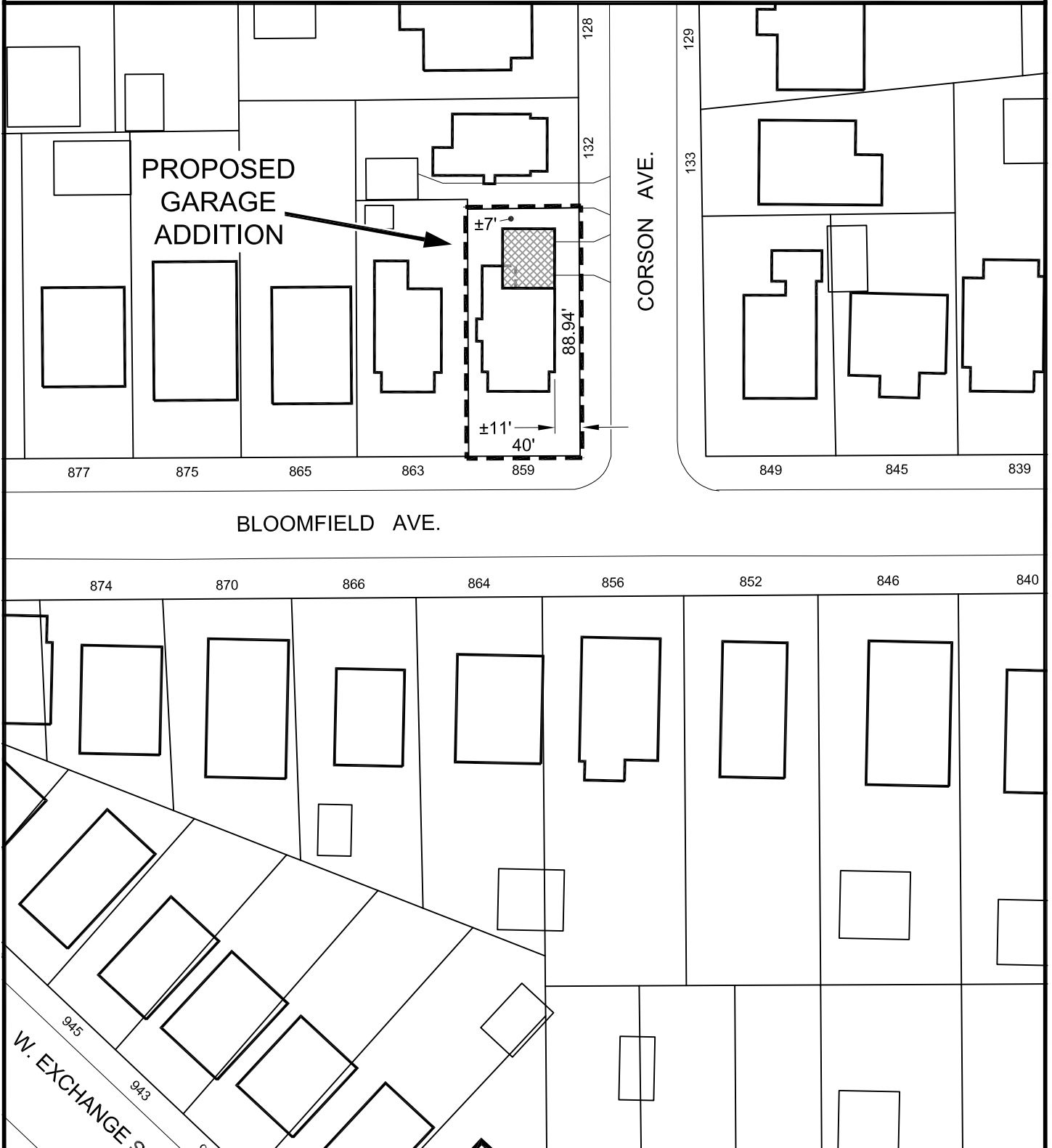
Appeal #05-2023-Z

Appeal of Emily Collins to vary the rear yard and building line setbacks to construct an attached garage addition at 859 Bloomfield Avenue

□ U1 Single Family Residential



0 50'
Created 06/01/2023 jwh
Revised 06/07/2023 jwh



MEMORANDUM

TO: AKRON BOARD OF ZONING APPEALS **ITEM # 2B**
APPEAL #05-2023-Z

FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT

DATE: JUNE 21, 2023 **WARD:** 4
COUNCILPERSON: Neal

SUBJECT: **APPEAL #5-2023-Z** – Appeal of Emily Collins to vary the rear yard and building line setbacks to construct an attached garage addition at 859 Bloomfield Avenue.

REASONS FOR APPEAL: **SECTION 153.305(E)(1)(a) & 153.260(E)(3)(b)**

BOARD OF ZONING APPEALS AUTHORITY: **SECTION 153.404(K)(O)**

GENERAL LOCATION: Northwest corner of Bloomfield Avenue and Corson Avenue

LAND USE IN THE SURROUNDING AREA: All sides residential

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

SIZE OF LOT & AREA: 40 feet by 88.94 feet containing 3,557.6 square feet of land

BUILDING LINE: 30 feet along Bloomfield Avenue, 10 feet along Corson Avenue

COMMENTS:

Emily Collins is the owner of a single-family dwelling addressed as 859 Bloomfield Avenue, located at the northwest corner of Bloomfield Avenue and Corson Avenue. The corner lot contains 40 feet of frontage along Bloomfield Avenue and 88.94 feet of frontage along Corson Avenue, for 3,557.6 square feet of land. All surrounding uses are single family dwellings. The property is zoned Single Family Residence Use District (U1, H1, A1) in accordance with the Land Use and Development Guide Plan.

The Appellant is requesting permission to construct a two-car attached garage onto the north side of the dwelling, to within seven (7) feet of the northern property line. Since the property is only 88.94 feet in depth, the required rear yard area is 22.485 feet. Further, the addition will only provide a driveway of 11.17 feet in length, while the Zoning Code requires driveways to be 20 feet in length. As such, a variance of 15.485 feet for the rear yard area and a variance of 8.83 feet for the driveway length requires Board of Zoning Appeals approval.

The proposed garage addition would measure 21.3 feet by 18.6 feet with a height of 13.583 feet. The flat roof would contain a wooden deck and guardrails, with access from the dwelling's second story. Construction materials of the garage would consist of a concrete block base with matching vinyl siding. The eastern elevation would contain a garage door, with two windows and an entry door facing the northern elevation.

The proposed garage will provide a sheltered parking area to a home that has been served by only one singular parking pad. This dense Highland Square neighborhood is characterized by large homes on small lots. The proposed addition would be 30 feet from the neighboring dwelling to the north, thus allowing for the adequate circulation of light and air. The proposed deck atop the addition will also provide the Appellant with usable open space. Even though the driveway length does not meet Code requirements, the addition itself adheres to the building line setback. As such, there should be no sight obstructions for vehicles or pedestrians traveling along Corson Avenue. The proposed garage would add value to this property without negatively impacting neighboring residences. As such, the Planning Staff supports this request.

RECOMMENDATION:

The Planning Staff, in accordance with Section 153.426, recommends **APPROVAL** of the appeal of Emily Collins to vary the rear yard and building line setbacks to construct an attached garage addition at 859 Bloomfield Ave, in accordance with the submitted plans and subject to the following condition:

- (1) That the Appellant obtain all necessary building permits and meet all requirements of the Akron Building Code.

BL/emd