

AKRON BOARD OF ZONING APPEALS

MEETING OF WEDNESDAY, SEPTEMBER 27, 2023 – 9:00 A.M.

COUNCIL CHAMBERS, THIRD FLOOR, MUNICIPAL BUILDING

166 SOUTH HIGH STREET

(1) CORRECTION and APPROVAL of Minutes of August 30, 2023.

(2) PUBLIC HEARINGS:

(A) APPEAL #07-2023-Z – Appeal of Kevin Kovach to vary the rear yard setback to construct a deck at 1071 Kingswood Drive.

TT/emd

MEMORANDUM

TO: AKRON BOARD OF ZONING APPEALS **ITEM # 2A**
APPEAL #07-2023-Z

FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT

DATE: SEPTEMBER 27, 2023 **WARD:** 1
COUNCILPERSON: Holland

SUBJECT: **APPEAL #07-2023-Z** – Appeal of Kevin Kovach to vary the rear yard setback to construct a deck at 1071 Kingswood Drive.

REASON FOR APPEAL: Section 153.305(E)(1)(a)

BOARD OF ZONING APPEALS AUTHORITY: Section 153.404(O)(1)

GENERAL LOCATION: North side of Kingswood Drive, west of Woodledge Drive

LAND USE IN THE SURROUNDING AREA: All sides residential

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

BUILDING LINE: 25 feet on Kingswood Drive

SIZE OF LOT & AREA: Irregularly shaped, containing .58 of an acre

COMMENTS:

Kevin Kovach is the owner of a single-family dwelling located on the north side of Kingswood Drive, west of Woodledge Drive, addressed as 1071 Kingswood Drive. The irregularly shaped lot contains 0.58 of an acre. Surrounding uses are all residential. The property is zoned Single Family Residence Use District (U1, H1, A1) in accordance with the Land Use and Development Guide Plan.

The Appellant, Kevin Kovach, is proposing to construct an attached open deck structure to within 19 feet of the rear property line. As such, a six (6) feet variance of the required 25 feet rear yard is necessary.

The proposed elevated composite deck would measure 28 feet in length and 14 feet in width (392 square feet in area) and would be sited at the northern corner of the rear of the dwelling. A composite rail would surround the deck area, with steps leading down to ground level at the southeast corner. The deck would also be accessible from the dwelling's interior via sliding glass doors. The existing wooden decking on the side and rear of the dwelling will be removed.

The elimination of the existing wooden decking along with the addition of the composite deck will create a more streamlined, uniform look. While the deck would not encroach into the side yard area, the angle of the dwelling on this pie-shaped lot makes the northern corner of the proposed deck encroach six feet into the required 25 feet rear yard area at its closest point to the property line. The requested six feet variance for this elevated and open deck is minimal. It would add value to this Merriman Hills property and provide useable open space without being intrusive to adjacent properties. As such, the Planning Staff supports this request.

RECOMMENDATION:

The Planning Staff, in accordance with Section 153.426, recommends **APPROVAL** of the appeal of Kevin Kovach to vary the rear yard setback to construct a deck at 1017 Kingswood Drive in accordance with the submitted plans and subject to the following conditions:

- (1) That the Appellant obtain all necessary building permits.
- (2) That the deck extends no closer than six (6) feet to the property line.

KEP/emd