

**AKRON BOARD OF ZONING APPEALS**

**MEETING OF WEDNESDAY, FEBRUARY 28, 2024 – 9:00 A.M.**

**COUNCIL CHAMBERS, THIRD FLOOR, MUNICIPAL BUILDING**

**166 SOUTH HIGH STREET**

- (1) CORRECTION and APPROVAL of Minutes of December 20, 2023.**
- (2) PUBLIC HEARINGS:**
  - (A) **APPEAL #01-2024-Z** – Appeal of Summit Land Reutilization Corporation to vary the rear yard setback area to retain a deck at 480 Woodland Avenue.
- (3) ELECTION OF OFFICERS**

KJ/emd

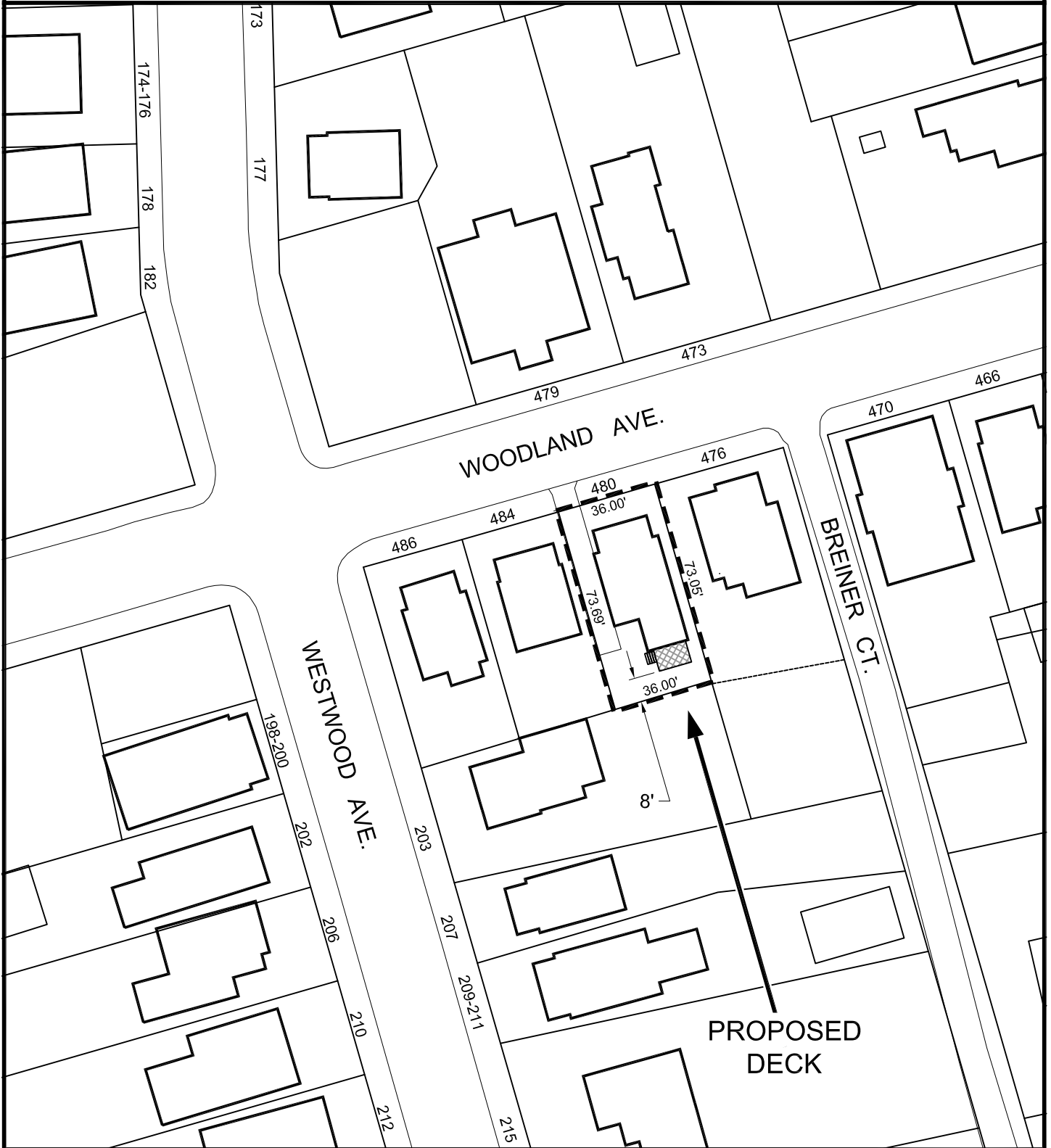
# Appeal #01-2024-Z

Appeal of Summit County Land Reutilization Corporation to vary the rear yard setback area to retain a deck at 480 Woodland Avenue

□ U1 Single Family Residential



0 50'  
Created 02/08/2024 jwh  
Revised 02/13/2024 jwh



## MEMORANDUM

**TO:** AKRON BOARD OF ZONING APPEALS      **ITEM # 2A**  
**APPEAL #01-2024-Z**

**FROM:** DEPARTMENT OF PLANNING AND  
URBAN DEVELOPMENT

**DATE:** FEBRUARY 28, 2024      **WARD:** 1  
**COUNCILPERSON:** DeShazor

**SUBJECT:** **APPEAL #01-2024-Z**—Appeal of Summit County Land Reutilization Corp.  
to vary the rear yard setback to retain a deck at 480 Woodland Avenue.

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

**BOARD OF ZONING APPEALS AUTHORITY:** Section 153.404(D)

**GENERAL LOCATION:** South side of Woodland Avenue, east of Westwood Avenue

**LAND USE IN THE SURROUNDING AREA:** All sides residential

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

**SIZE OF LOT & AREA:** 36 feet in width by 73 feet in depth = 2,628 square feet of area

### **COMMENTS:**

The Summit County Land Reutilization Corp. (aka Summit County Land Bank) is the owner of a single-family dwelling at 480 Woodland Avenue. The lot measures 36 feet in width and 73 feet in depth for a total of 2,628 square feet of area. Surrounding uses are all residential. The property is zoned Single Family Residential Use District (U1, H1, A1) in accordance with the Land Use and Development Guide Plan.

The Appellant is requesting permission to retain a rear deck that encroaches to within eight feet of the rear property line. Since this undersized lot requires a rear yard of 18.25 feet, a 10.25 feet variance of the rear yard setback is necessary.

The 12 feet in width by eight feet in depth (96 square feet in area) wooden rear deck is elevated three feet, four inches from the ground and does not extend beyond the sides of the dwelling. Interior access to the deck is via sliding glass doors at the southeast corner of the dwelling, with exterior stair access at the southwestern corner of the deck.

The Summit County Land Bank entered into an agreement in 2022 with a local contractor to perform renovation work, which included securing all necessary building permits. The house previously contained a rear deck measuring 12 feet in width by 8 feet in depth, but it was in disrepair and needed replaced. The Appellant has stated that a new deck was constructed in August of 2023. However, their contractor did not file for a permit until December of 2023 that subsequently was rejected due to the encroachment into the required rear yard area.

One goal of the Land Use and Development Guide Plan is to improve the quality of housing in all residential areas. After the Summit County Land Bank acquired this tax-delinquent property, the dwelling was rehabbed with the intention of selling the property at market rate. This Highland Square neighborhood is characterized by dwellings on sub-standard sized lots. The small deck will provide usable open space while not intruding upon neighboring 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 Summit County Land Reutilization Corp. to vary the rear yard setback to retain a deck at 480 Woodland Avenue, in accordance with the submitted plans and subject to the following condition:

- (1) That the Appellant shall obtain a building permit within 60 days.

KEP/emd