

AKRON BOARD OF ZONING APPEALS

MEETING OF WEDNESDAY, APRIL 24, 2024 – 9:00 A.M.

COUNCIL CHAMBERS, THIRD FLOOR, MUNICIPAL BUILDING

166 SOUTH HIGH STREET

- (1) CORRECTION and APPROVAL of Minutes of February 28, 2024.**
- (2) PUBLIC HEARINGS:**
 - (A) **APPEAL #02-2024-Z** – Appeal of William Krul, Jr., to vary the Hollis Street building line setback to retain a garage at 445 East Park Boulevard.
- (3) ELECTION OF OFFICERS**

KJ/emd

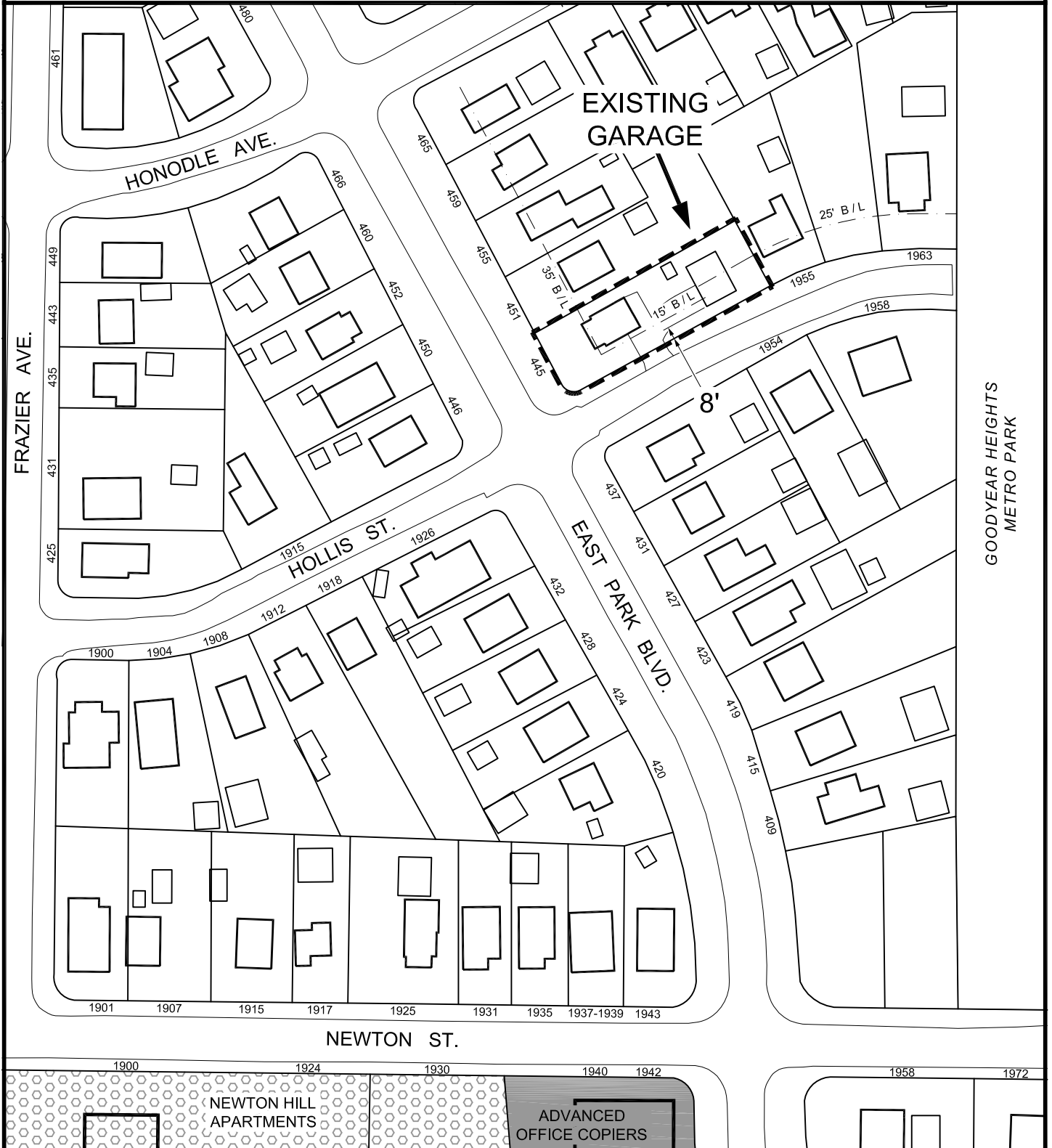
Appeal #02-2024-Z

Appeal of William Krul, Jr., to vary the Hollis Street building line setback to retain a garage at 445 East Park Boulevard

- U1 Single Family Residential
- U2 Apartment House
- U3 Retail Business



0 100'
Created 04/04/2024 jwh
Revised 04/10/2024 jwh



MEMORANDUM

TO: AKRON BOARD OF ZONING APPEALS **ITEM # 2A**
FROM: DEPARTMENT OF PLANNING AND URBAN DEVELOPMENT **APPEAL #02-2024-Z**

DATE: APRIL 24, 2024 **WARD: 10**
COUNCILPERSON: Connor

SUBJECT: APPEAL #02-2024-Z—Appeal of William Krul, Jr., to vary the Hollis Street building line setback to retain a detached garage at 445 East Park Boulevard.

REASON FOR APPEAL: Section 153.320

BOARD OF ZONING APPEALS AUTHORITY: Section 153.404(K)

GENERAL LOCATION: Northeast corner of East Park Boulevard and Hollis Street

LAND USE IN THE SURROUNDING AREA: All sides residential

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

BUILDING LINE: 15 feet and 25 feet on Hollis Street

SIZE OF LOT & AREA: 165 feet in depth by 53 feet in width = 8,745 sq. feet of area

COMMENTS:

William Krul, Jr., is the owner of a single-family dwelling located at the northeast corner of the intersection of East Park Boulevard and Hollis Street addressed as 445 East Park Boulevard. The property contains 8,745 square feet of area. The 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 (LUDGP).

The Appellant is requesting permission to retain an accessory structure (garage) sited eight feet from the Hollis Street right-of-way. The established building lines on this side street are 15 feet for the corner lot (Lot 109) and 25 feet for the lots to the east. Where the building line on a street changes from one lot to another, Section 153.330(B) of the Zoning Code allows a structure to be built at the average of the two building lines (for a distance of not more than 50 feet). As a result, the garage in question is allowed by Code to be located 20 feet from the Hollis Street right-of-way. Consequently, a 12 feet variance by the Board of Zoning Appeals is necessary.

The detached vinyl sided garage measures 32 feet by 24 feet for 768 square feet of area with a peak height of 13.5 feet. It is sited in the rear yard of the corner lot, 12 feet from the northern property line and 20 feet from the eastern (rear) property line. The man door and the garage bay

door face westward towards the rear of the dwelling. The garage is accessible via a curb cut and gravel drive near the middle of the property along Hollis Street.

Section 153.260 of the Zoning Code stipulates that the size of a lot determines the maximum square footage permitted for an accessory use structure. When the Appellant's builder submitted an incorrect site plan for a building permit on December 1, 2021, that site plan was rejected due to the proposed detached garage being oversized. However, the builder still constructed the garage without permits. The Zoning office was made aware of this issue on January 22, 2024, and immediately issued a letter to the Appellant, who then promptly contacted Zoning. Based on the original site plan submitted by the builder, the Zoning Staff determined that Conditional Use approval was necessary to retain the garage. But once the Appellant submitted an accurate site plan that included both lots owned by the Appellant, the size of the garage met Zoning Code requirements. However, the encroachment of the garage into the Hollis Street building line setback still warrants approval from the Board of Zoning Appeals.

One goal of the LUDGP is to preserve and protect single family residential neighborhoods. The grade of this dead-end section of Hollis Street slopes upward with a slight curve from East Park Boulevard to its terminus three properties to the east and has minimal vehicular traffic. Although the garage sits closer to the street than the abutting residence, the garage is 20 feet from the rear (east) property line. Further, the combination of the garage/man doors facing westward towards the Appellant's dwelling, along with a solid wooden fence along the eastern property line, minimizes any negative impact that the garage use would impose upon the neighboring property. The Zoning staff has not received any complaints from the neighbors regarding the location of this structure. This Goodyear Heights property is well-maintained and the building line variance necessary to retain the garage is not excessive. As such, the Planning Staff supports this request.

RECOMMENDATION:

The Planning Staff, in accordance with Section 153.426, recommends **APPROVAL** of the appeal of William Krul, Jr. to vary the Hollis Street building line setback to retain a detached garage at 445 East Park Boulevard, in accordance with the submitted plans and subject to the following conditions:

- (1) That the Appellant obtain building permits.

KEP/emd