

AKRON BOARD OF ZONING APPEALS

MEETING OF WEDNESDAY, MAY 29, 2024 – 9:00 A.M.

COUNCIL CHAMBERS, THIRD FLOOR, MUNICIPAL BUILDING

166 SOUTH HIGH STREET

(1) CORRECTION and APPROVAL of Minutes of April 24, 2024.



(2) PUBLIC HEARINGS:

- (A) **APPEAL #03-2024-Z** – Appeal of Archbishop Hoban High School to construct building additions at One Holy Cross Boulevard.
- (B) **APPEAL #04-2024-Z** – Appeal of Jeff and Marisue Murphy to vary the front yard building line setback to construct an addition at 513 N. Portage Path.
- (C) **APPEAL #02-2022-Z – REOPENING** – Reopening of the appeal of Elegant Homes, Inc., to vary the building line to construct a dwelling at the northeast corner of Mull Avenue and Crawford Road.

KJ/emd

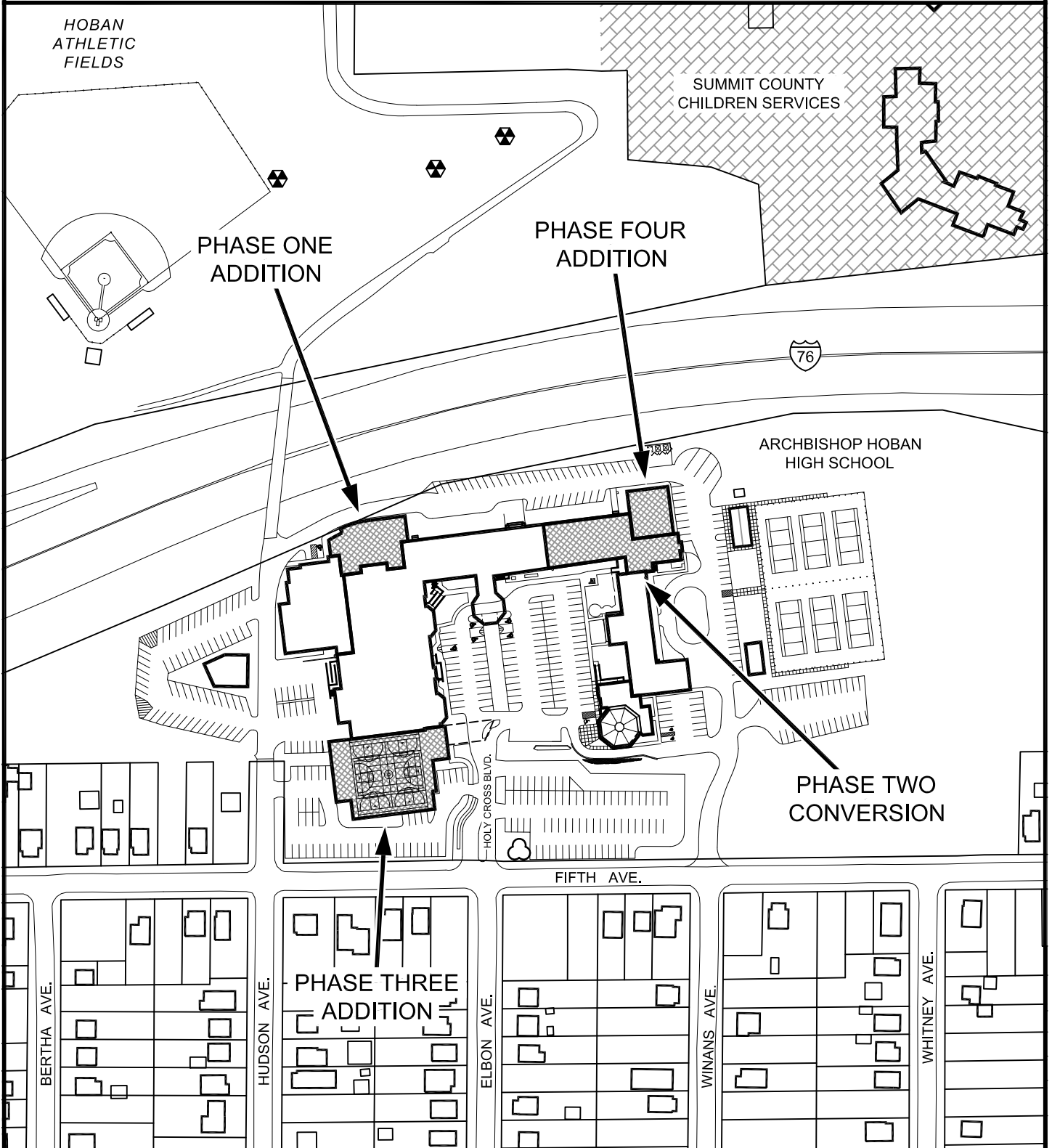
Appeal #03-2024-Z

Appeal of Archbishop Hoban High School to construct building additions at One Holy Cross Boulevard

-  U1 Single Family Residential
-  ULB Limited Business



0 200'
Created 05/13/2024 jwh
Revised 05/14/2024 jwh



MEMORANDUM

TO: AKRON BOARD OF ZONING APPEALS **ITEM # 2A**
APPEAL #03-2024-Z

FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT

DATE: MAY 29, 2024 **WARD:** 5
COUNCILPERSON: Hannah

SUBJECT: **APPEAL #03-2024-Z** – Appeal of Archbishop Hoban High School to construct building additions at One Holy Cross Boulevard

REASON FOR APPEAL: Sec. 153.240(A)(3)

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

GENERAL LOCATION: North side of 5th Avenue, east of Inman Street

LAND USE IN THE SURROUNDING AREA:

NORTH SIDE:	Residential
SOUTH SIDE:	Residential
EAST SIDE:	Residential
WEST SIDE:	Residential

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

BUILDING LINE: 25 feet on Fifth Avenue

SIZE OF LOT & AREA: Approximately 40 acres of land, including athletic fields north of I-76

COMMENTS:

Archbishop Hoban High School is the owner of approximately 40 acres of land spanning the north and south sides of Interstate 76, just east of the Central Interchange. The property, addressed as One Holy Cross Boulevard, is located on the north side of Fifth Avenue, between Inman Street and Talbot Avenue. The campus is developed with a parochial high school, parking, accessory structures, and tennis courts on the southern portion, while athletic fields are located north of the interstate, connected by a pedestrian bridge. Surrounding uses are all residential. The property is zoned Single Family Residence Use District (U1, H1, A1), and the Land Use and Development Guide Plan recommends institutional uses for the area.

The Appellant is requesting permission to construct multiple building additions to the high school structure. Schools and related facilities in a single- or two-family residential district require approval from the Board of Zoning Appeals.

The Appellant is proposing a four-phase improvement plan to the campus, which includes three separate building additions plus a conversion of existing interior space. Phase One would see the construction of a new student center and food service area at the northwest corner of the building, adjacent to the Health and Wellness Center (Appeal #09-2015-Z). Phase Two involves the conversion of interior space at the northeast corner of the school. The existing Foley Commons student center would be remodeled to classroom space, and the current food service area would be converted to office space. Phase Three would bring a new gymnasium to the southwest corner of the school, south of the Alumni Gym. The multisport facility would have a maximum capacity of 1,500 seats, and would also include new locker rooms, restrooms, an atrium lobby, and a cantilevered entry canopy. Phase Four would add a three-story classroom wing to the northeast corner of the school. All three additions would be constructed of masonry brick to match the existing school, with complementary clear anodized and Hoban blue aluminum panels and bronze tinted windows. None of the additions would be more than the allowable height of 50 feet for a school.

Funds are in place for the initial two phases, while the fundraising campaign for the third and fourth phases are continuing. It is anticipated that Phase One would begin Fall of 2024, with Phase Two following in Spring of 2025. It is Hoban's intent to construct Phases Three and Four as soon as funding permits. The estimated \$20 million improvement plan represents a significant investment and should help attract and retain area students to the school. The design of the additions would blend the current structure with modern materials and style. The school is an asset to the community, and the additions should have little impact on the surrounding neighborhood. Parking for just over 400 vehicles is available on-site, more than zoning code requirements to meet the needs of the school. Moreover, on-street parking is prohibited along Fifth Avenue. The Planning Staff is supportive of the request.

RECOMMENDATION:

The Planning Staff, in accordance with Section 153.426, recommends **APPROVAL** of the appeal of Archbishop Hoban High School to construct building additions at One Holy Cross Boulevard, 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 all walkways, driveways, and parking areas be hardsurfaced and curbed to Bureau of Engineering specifications.
- (4) That the Appellant provide adequately dustproofed off-street parking for construction workers and off-street storage space for materials and equipment during construction.
- (5) 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.
- (6) That the number, size, and location of all exterior signs shall conform to Section 153.345-.375 of the Zoning Code.

JH/emd

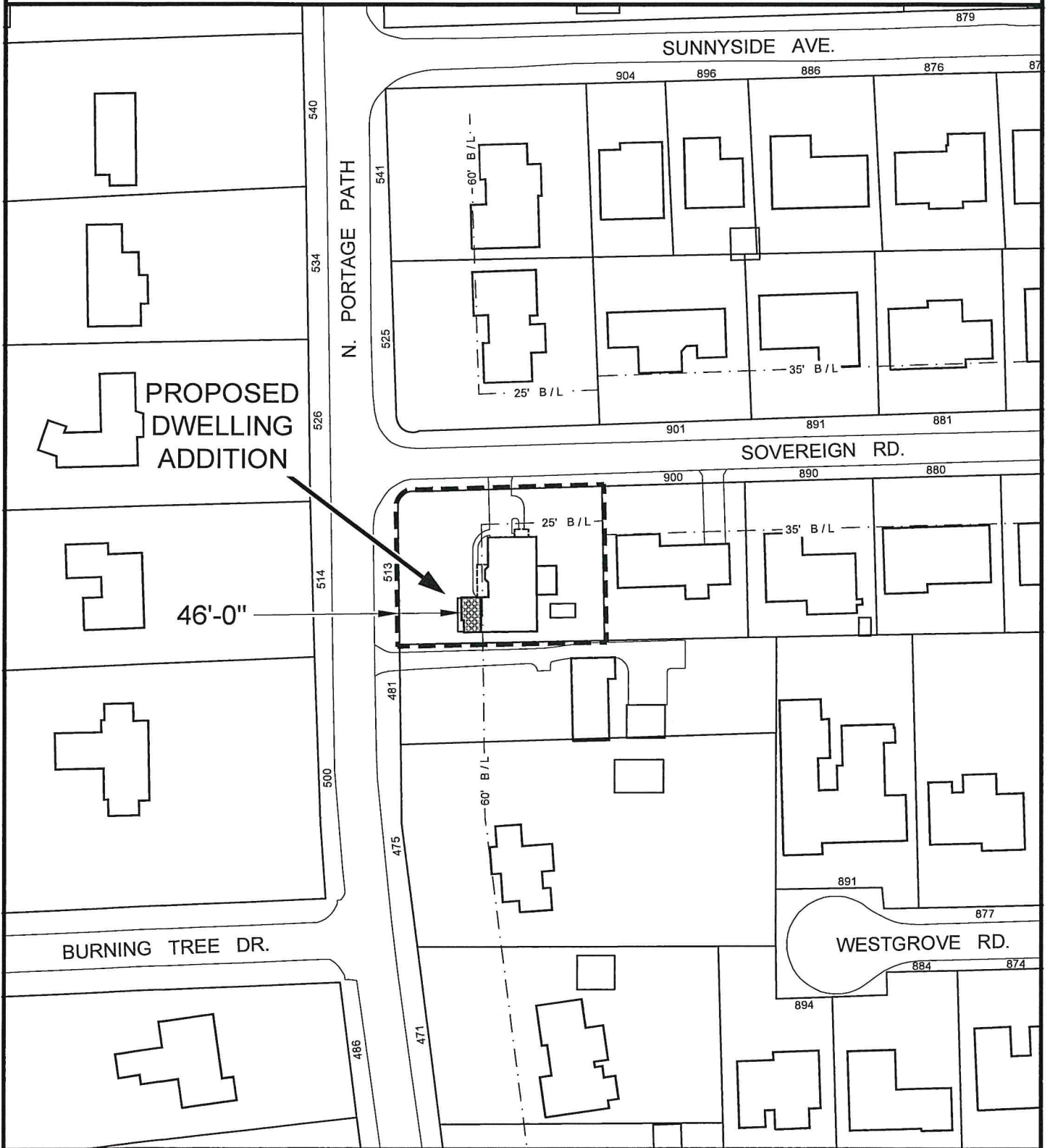
Appeal #04-2024-Z

Appeal of Jeff and Marisue Murphy
to vary the building line to construct
an addition at 513 N. Portage Path

□ UT Single Family Residential



0 100'
Created 05/06/2024 jwh
Revised 05/13/2024 jwh



MEMORANDUM

TO: AKRON BOARD OF ZONING APPEALS **ITEM # 2B**
APPEAL #04-2024-Z

FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT

DATE: MAY 29, 2024 **WARD: 8**
COUNCILPERSON: Hardy

SUBJECT: APPEAL #04-2024-Z—Appeal of Jeff and Marisue Murphy to vary the front yard building line setback to construct an addition at 513 N. Portage Path

REASON FOR APPEAL: Section 153.320

BOARD OF ZONING APPEALS AUTHORITY: Section 153.404(K)

GENERAL LOCATION: Southwest corner N. Portage Path and Sovereign Road intersection

LAND USE IN THE SURROUNDING AREA: All sides residential

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

BUILDING LINE: 60 feet on N. Portage Path

SIZE OF LOT & AREA: 16,539 square feet of area

COMMENTS:

Jeff and Marisue Murphy are the owners of a brick ranch dwelling located on the southwest corner of the intersection of N. Portage Path and Sovereign Road, addressed as 513 N. Portage Path. The lot contains 16,539 square feet of area. The 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 (LUDGP).

The Petitioners are proposing to construct an addition that will extend to within 46 feet of the N. Portage Path building line setback. Since the building line setback is 60 feet, the 14 feet building line variance requires Board of Zoning Appeals approval.

The proposed bedroom suite addition on the southwest corner of the dwelling measures 14 feet in depth by 24.8 feet in width for 307 square feet of area. Construction materials will consist of matching brick, asphalt shingle roofing, and board and batten siding with circular vents in the gables. A new twenty inch in height

raised planter will run along the front of the addition to replace the existing planter. There will be three windows facing N. Portage Path, with one window each on the northern and southern elevations. An open metal porch atop painted columns will be sited directly north of the addition and over the existing side door next to the garage bay door on the northern elevation. Last, the sunroom in the rear of the dwelling will be enlarged into a great room with a portion of the floor raised to make the floor plan all one level.

The Appellants have stated that they want to remain in their home but due to medical needs modifications are necessary to make their home ADA compliant. The existing interior layout of the dwelling made placing the bedroom suite onto the rear of the home unfeasible. Keeping a home office and a second bedroom available for future caregiver use, if necessary, were also important.

One goal of the LUDGP is to preserve and protect single family residential neighborhoods. The proposed small addition will not negatively impact the abutting dwelling to the south because that dwelling is sited east of the rear of the Appellant's dwelling. The proposed addition is also 46 feet from the N. Portage Path right-of-way, which negates any sight obstruction issues. Except for the front yard addition, all the other modifications meet Code requirements. The proposed updates to the dwelling will upgrade this Merriman Hills property while the small addition will allow the Appellants to safely remain in their home. As such, the Planning Staff supports this request.

RECOMMENDATION:

The Planning Staff, in accordance with Section 153.426, recommends **APPROVAL** of the appeal of Jeff and Marisue Murphy to vary the front yard building line setback to construct an addition at 513 N. Portage Path, in accordance with the submitted plans entitled "The Murphy Residence; Dated: April 17, 2024" and subject to the following conditions:

- (1) That the Appellant obtain all necessary building permits.
- (2) That the addition extends no further than 14 feet into the 60 feet N. Portage Path building line setback.

KEP/emd

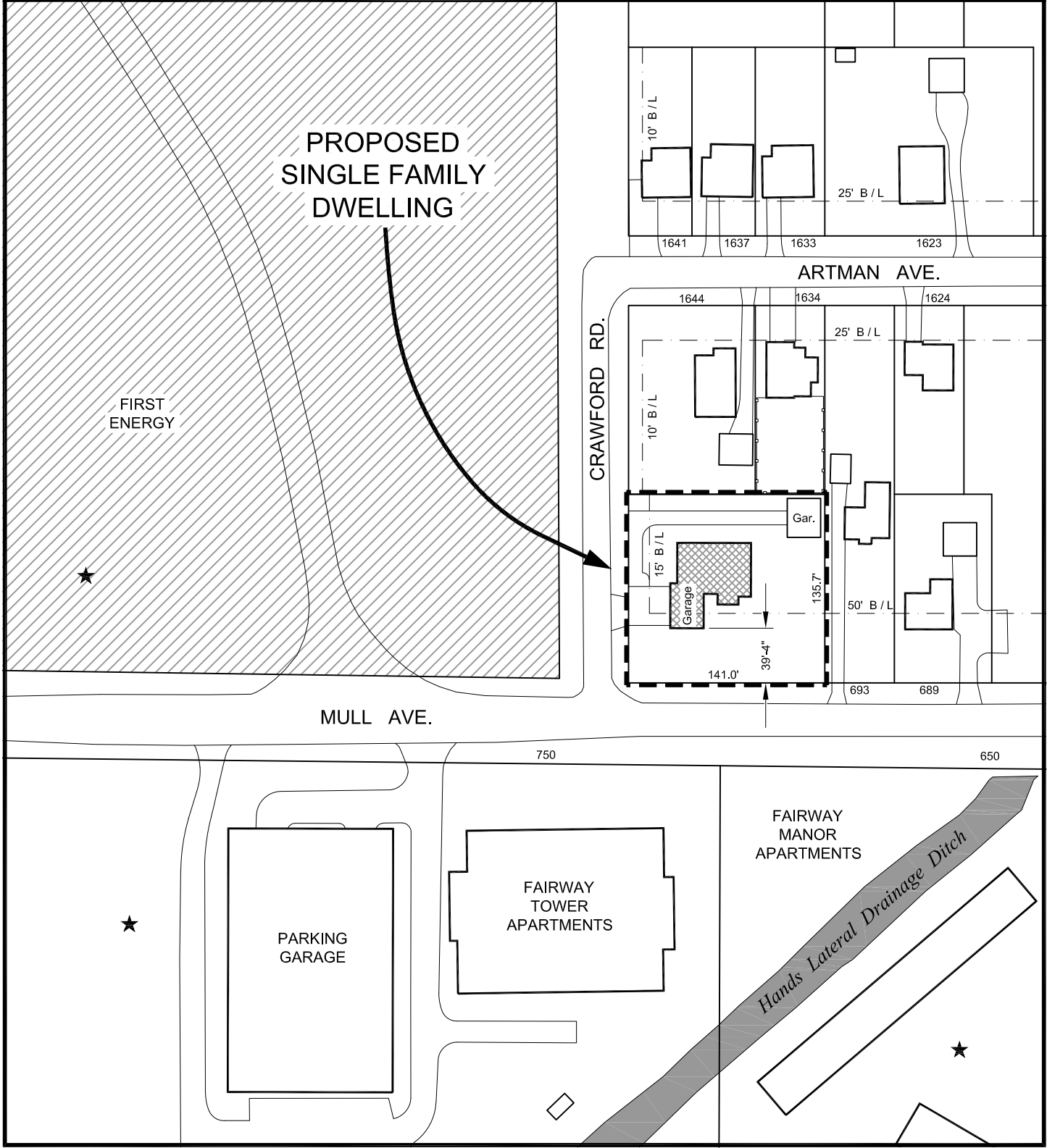
Reopening of Appeal #02-2022-Z

Reopening of the appeal of Elegant Homes, Inc., to vary the building line to construct a dwelling at the northeast corner of Mull Avenue and Crawford Road

- ★ Conditional Use
- U1 Single Family Residential
- ▨ U4 Commercial



0 100'
 Created 04/19/2022 jwh
 Revised 05/06/2024 jwh



MEMORANDUM

TO: AKRON BOARD OF ZONING APPEALS **ITEM # 2C**
APPEAL #02-2022-Z

FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT

DATE: MAY 29, 2024 **WARD:** 4
COUNCILPERSON: Davis

SUBJECT: **APPEAL #02-2022-Z** - Reopening of the appeal of Elegant Homes, Inc., to vary the building line to construct a dwelling at the northeast corner of Mull Avenue and Crawford Road

REASON FOR APPEAL: SECTIONS 153.430; 153.404(L)

BOARD OF ZONING APPEALS AUTHORITY: SECTION 153.432

GENERAL LOCATION: North side of Mull Avenue, west of South Hawkins Avenue

LAND USE IN THE SURROUNDING AREA:

NORTH SIDE:	Residential
SOUTH SIDE:	Residential
EAST SIDE:	Residential
WEST SIDE:	Commercial

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

BUILDING LINE: 50 feet on Mull Avenue; 15 feet on Crawford Road

SIZE OF LOT & AREA: 141 feet by 135.7 feet = 19,134 square feet of area

COMMENTS:

Elegant Homes, Inc., is the owner of three vacant parcels of land located at the northeast corner of the intersection of Mull Avenue and Crawford Road. The combined parcels measure 141 feet by 135.7 feet for a total of 19,134 square feet of area. Surrounding uses are single family residential to the north and east, apartments to the south, and First Energy to the west. 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 seeking permission to vary the building line to construct a single-family dwelling 39 feet, four inches from the Mull Avenue right-of-way. Since the

building line is 50 feet for this portion of Mull Avenue, a variance of 10 feet, eight inches is required. The Board of Zoning Appeals has the authority to vary up to a maximum of 75 percent of the established building line.

The Appellant was granted Board of Zoning Appeal approval on April 27, 2022, to construct the dwelling. Since the approval was not exercised within two years, the Appellant must reopen the request to receive additional time to commence construction. There are no changes to the site plan of the originally approved appeal.

The proposed single story, ranch dwelling would be situated centrally on the spacious lot, observing setbacks of 30 feet from Crawford Road and 39 feet, four inches from Mull Avenue, while preserving yards of 35 feet, five inches to the north and 53 feet to the east. The dwelling would contain approximately 2,161 square feet of living space. A concrete drive from Crawford Road would provide access to the attached three-car garage at the southwest corner of the structure. The home would be clad with vinyl siding and asphalt shingles. An additional storage garage measuring 24 feet by 28 feet is planned to be at the back (northeast) corner of the lot, observing the required setbacks for an accessory structure.

The Planning Staff is of the opinion that the requested variance should not pose a significant impact on the surrounding neighborhood. The subject property is at the west end of the residential development on the north side of Mull Avenue, just east of the First Energy campus. The adjacent residence to the east (693 Mull Avenue) is set back nearly 100 feet from Mull Avenue, while the second residence to the east (689 Mull Avenue) was constructed at approximately 39 feet from the right-of-way. The Appellant's proposed dwelling would nearly match that setback. As such, the proposed variance for the development would appear to be harmonious with the surrounding area. All other development requirements would be met by the Appellant. The proposed development would put this long-vacant property to productive use and would be an attractive addition to this neighborhood. The Planning Staff does not object to this reopening request.

RECOMMENDATION:

The Planning Staff, in accordance with Section 153.426, recommends **APPROVAL** of the reopening of the appeal of Elegant Homes, Inc., to vary the building line to construct a dwelling at the northeast corner of Mull Avenue and Crawford Road, in accordance with the submitted plans.

KEP/emd