

AKRON BOARD OF ZONING APPEALS

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

COUNCIL CHAMBERS, THIRD FLOOR, MUNICIPAL BUILDING

166 SOUTH HIGH STREET

- (1) **CORRECTION** and **APPROVAL** of Minutes of May 29, 2024.
- (2) **PUBLIC HEARINGS:**
 - (A) **APPEAL #05-2024-Z** – Appeal of Kimberly Veal to vary the building setback to retain a fence at 533 Auld Farm Circle.
 - (B) **APPEAL #06-2024-Z** – Appeal of Eudora Graffaree Robinson to vary the Tyro Avenue building line setback to retain a fence at 487 Darrow Road.
 - (C) **APPEAL #07-2024-Z** – Appeal of the City of Akron to construct the Brittain Road Reservoir replacement project at 399 Brittain Road.

KJ/emd

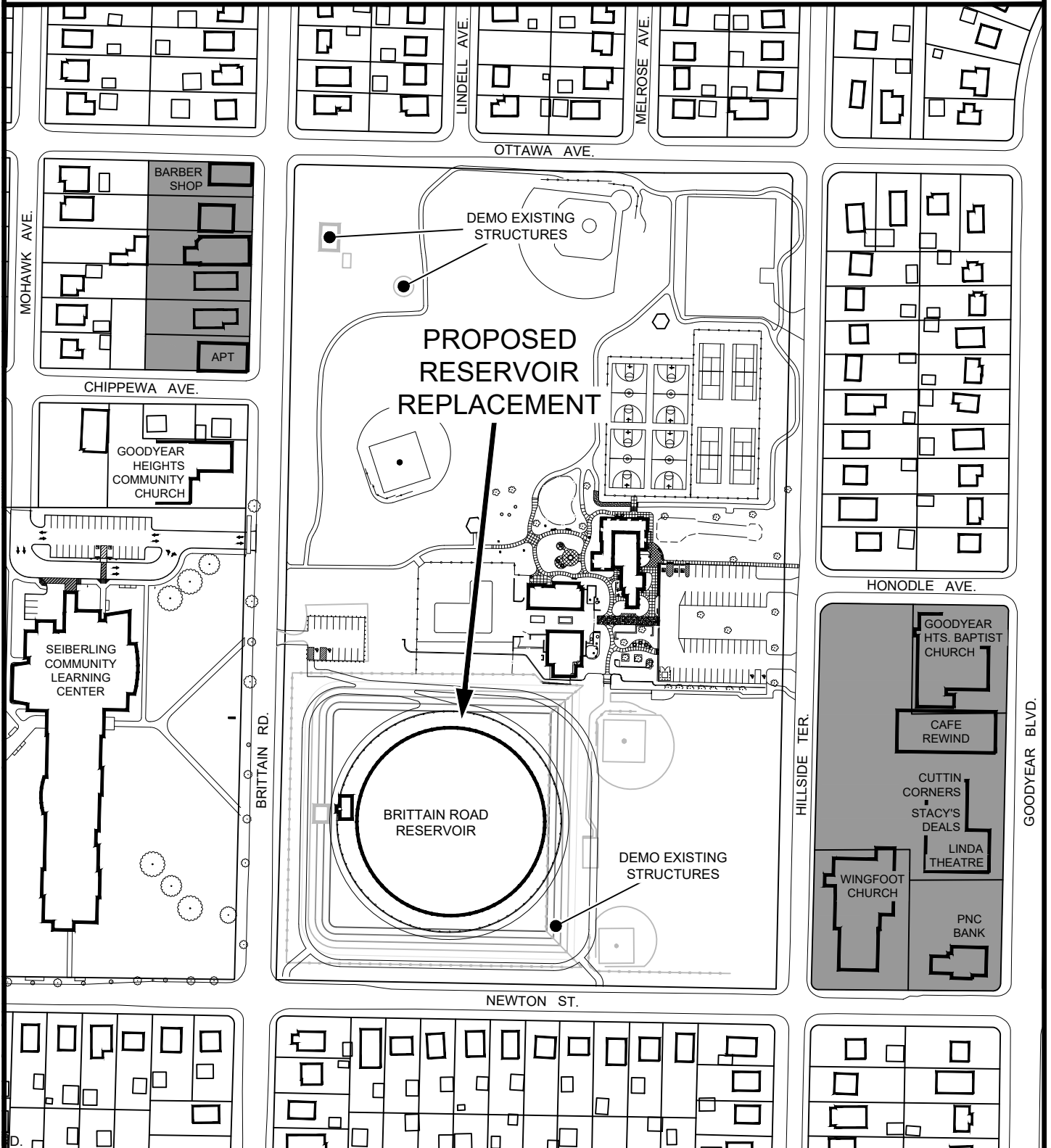
Appeal #07-2024-Z

Appeal of the City of Akron to construct the Brittain Road Reservoir replacement project at 399 Brittain Road

- U1 Single Family Residential
- U3 Retail Business



0 200'
Created 07/02/2024 jwh
Revised 07/02/2024 jwh



MEMORANDUM

TO: AKRON BOARD OF ZONING APPEALS **ITEM # 2C**
APPEAL #07-2024-Z

FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT

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

SUBJECT: **APPEAL #07-2024-Z** – Appeal of the City of Akron to construct the Brittain Road Reservoir Replacement Project at 399 Brittain Road.

REASON FOR APPEAL: Section 153.404 (J)

BOARD OF ZONING APPEALS AUTHORITY: Section 153.240 (F)

GENERAL LOCATION: East side of Brittain Road, north of Newton Street

LAND USE IN THE SURROUNDING AREA:

NORTH: Residential

SOUTH: Residential

EAST: Seiberling CLC, Church, Residential

WEST: Church, Retail, Residential

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

COMMENTS:

The Brittain Road Reservoir is located within Reservoir Park, at the northwest corner of Newton Street and Brittain Road in the Goodyear Heights neighborhood. The City of Akron Water Supply Bureau is proposing to demolish the existing earth-covered water reservoir and replace it with a new concrete water storage tank.

A public utility structure within this Single-Family Residence Use District requires Board of Zoning Appeals approval.

The Brittain Road Reservoir was constructed in 1913, as part of an effort to bring clean, reliable water service to the city. Prior to 1913, Akron got much of its drinking water from private wells and from Summit Lake and Mannings Pond. But the wells were not able to keep up with the water demands of the growing city, and the lakes were becoming increasingly polluted. In response, the city built the Lake Rockwell reservoir in Portage County and pumped this water to the concrete storage reservoir constructed at Reservoir Park, one of the highest points in the city. The existing

Brittain Road reservoir lies under a 320-foot by 320-foot mound covered by topsoil and grass that rises 24 feet above grade. The reservoir has a storage capacity of 20 million gallons of water. A pump station building and water tower on the north end of Reservoir Park were completed in 1920. These two structures are no longer in use and have been decommissioned.

The proposed project will include demolishing the existing reservoir, as well as demolition of the adjacent pump station and water tower. The reservoir will be replaced with a circular, precast, prestressed concrete storage tank, 270 feet in diameter, with a domed roof. The tank will be located on a 19-foot-high earth mound, which is approximately 5 feet lower than the existing reservoir mound. The new water tank will have precast concrete walls that project approximately 20 feet above the top of the new mound. A precast concrete dome roof will rise an additional 27 feet above the perimeter walls. The new tank will have a water storage capacity of 12.4 million gallons.

The tank will incorporate a brick façade to complement the appearance of the Seiberling Community Learning Center, which sits directly across Brittain Road from the tank location. Final design of the brick façade will occur once the specific tank manufacturer has been selected in early 2025. A one-story, 715 square foot operations building will stand on the west side of the tank facing Brittain Road. The operations building will be clad in face brick and have a standing seam metal roof. A black, 8-foot-high steel security fence will be installed at the perimeter of the new water tank. A 10-foot-wide multi-purpose trail will also encircle the reservoir. The water tank embankment will be planted with grass.

The reservoir mound and the water tower have been prominent features of the neighborhood since their construction. Unfortunately, according to the Akron Water Supply Bureau, after over 100 years in service, the reservoir has reached the end of its useful life. It suffers from structural deficiencies and operational inefficiencies. Due to deterioration of the reservoir's concrete ceiling, rainwater and organics are infiltrating into the reservoir, diminishing water quality. The proposed new reservoir structure will be an attractive solution to replace this important but aging structure. The design of the new reservoir was reviewed by Urban Design and Historic Preservation Commission on July 16, 2024.

RECOMMENDATION:

The Planning Staff in accordance with Section 153.426 recommends **APPROVAL** of the appeal of the City of Akron to construct the Brittain Road Reservoir Replacement Project at 399 Brittain Road.

DD/MA/emd

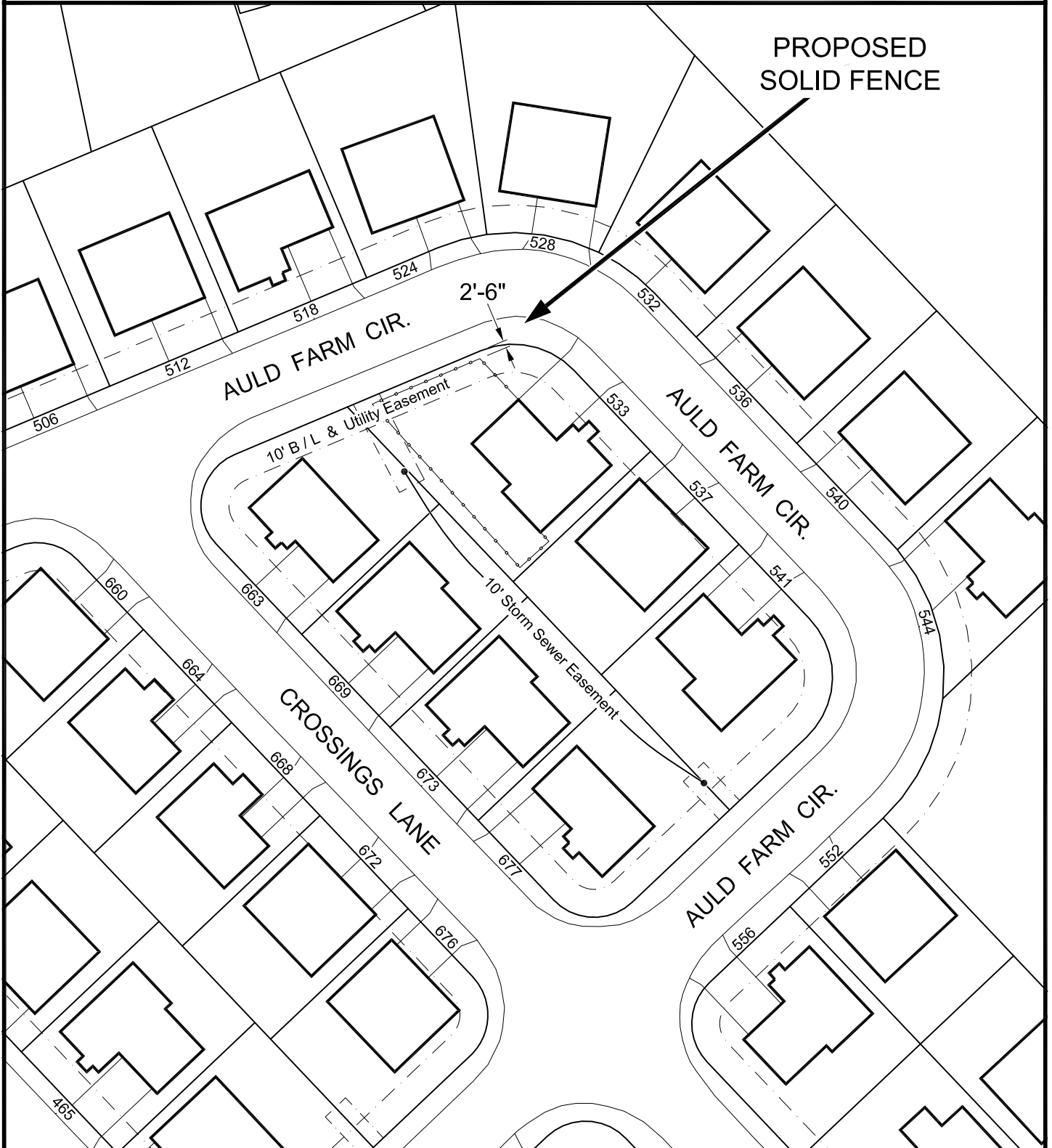
Appeal #05-2024-Z

Appeal of Kimberly Veal to vary the setback line to retain a fence at 533 Auld Farm Circle

□ UI Single Family Residential



0 50'
Created 07/03/2024 jwh
Revised 07/08/2024 jwh



MEMORANDUM

TO: AKRON BOARD OF ZONING APPEALS **ITEM # 2A**
APPEAL #05-2024-Z

FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT

DATE: JULY 24, 2024 **WARD:** 3
COUNCILPERSON: Sommerville

SUBJECT: **APPEAL #05-2024-Z**—Appeal of Kimberly Veal to vary the building line setback to retain a fence at 533 Auld Farm Circle.

REASON FOR APPEAL: 153.305(D)(3)

BOARD OF ZONING APPEALS AUTHORITY: 153.404(K)

GENERAL LOCATION: South side of Auld Farm Circle, east of Crossings Lane

LAND USE IN THE SURROUNDING AREA: All sides single family residential

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

BUILDING LINE: 10 feet

SIZE OF LOT & AREA: Irregularly shaped, contains 4,927 square feet of area

COMMENTS:

Kimberly Veal is the owner of a single-family dwelling located on the south side of Auld Farm Circle, east of Crossings Lane, addressed as 533 Auld Farm Circle. The corner lot contains 4,927 square feet of area. Surrounding uses are all single-family residences. The property is zoned Single Family Residence Use District (U1, H1, A1) while the Land Use and Development Guide Plan recommends dwellings of medium density.

Due to misinformation and miscommunication, their fence contractor placed the fence to within six feet of the street pavement. The Zoning Staff has further determined that the fence also extends four feet into the City right-of-way. The Appellant has expressed a willingness to remove 6.5 feet of the fence so that their request can fall within the Board of Zoning Appeals jurisdiction. Therefore, the Appellant is requesting permission to retain a six feet in height shadowbox wooden fence that will extend 7.5 feet into the ten feet Auld Farm Circle building line setback. The Board of Zoning Appeals (BZA) has the authority to vary up to 75% of the setback.

The Appellant has stated that the fence is needed for security and animal control. One goal of the Land Use and Development Guide Plan is to preserve and protect single-family residential neighborhoods. The Zoning Code, since its inception in 1922, has always contained restrictions for structures near a right-of-way in residential districts as a means to provide sufficient visibility for motorists and pedestrians. The Planning Staff has received several complaints regarding the placement of the fence. A recent site inspection revealed that the location of the fence combined with on-street parking compromises sight visibility when navigating the curve. Due to there being no sidewalks on the southern side of this portion of Auld Farm Circle, allowing a solid fence to be placed 2.5 feet from the right-of-way could pose safety issues for pedestrians. Also, there is a utility easement within the established building line setback. As such, placing the fence at the setback would prevent any future economic hardships associated with accessing the utility easement. Last, because the Appellant's home is placed in the eastern portion of their lot, adhering to the setback will still provide sufficient side yard space for recreation. The Traffic Engineer is also opposed to the requested variance. As such, the Planning Staff cannot support this request.

RECOMMENDATION:

The Planning Staff, in accordance with Section 153.426, recommends **DISAPPROVAL** of the appeal of Kimberly Veal to vary 7.5 feet of the ten feet building line setback to retain a fence at 533 Auld Farm Circle.

KEP/emd

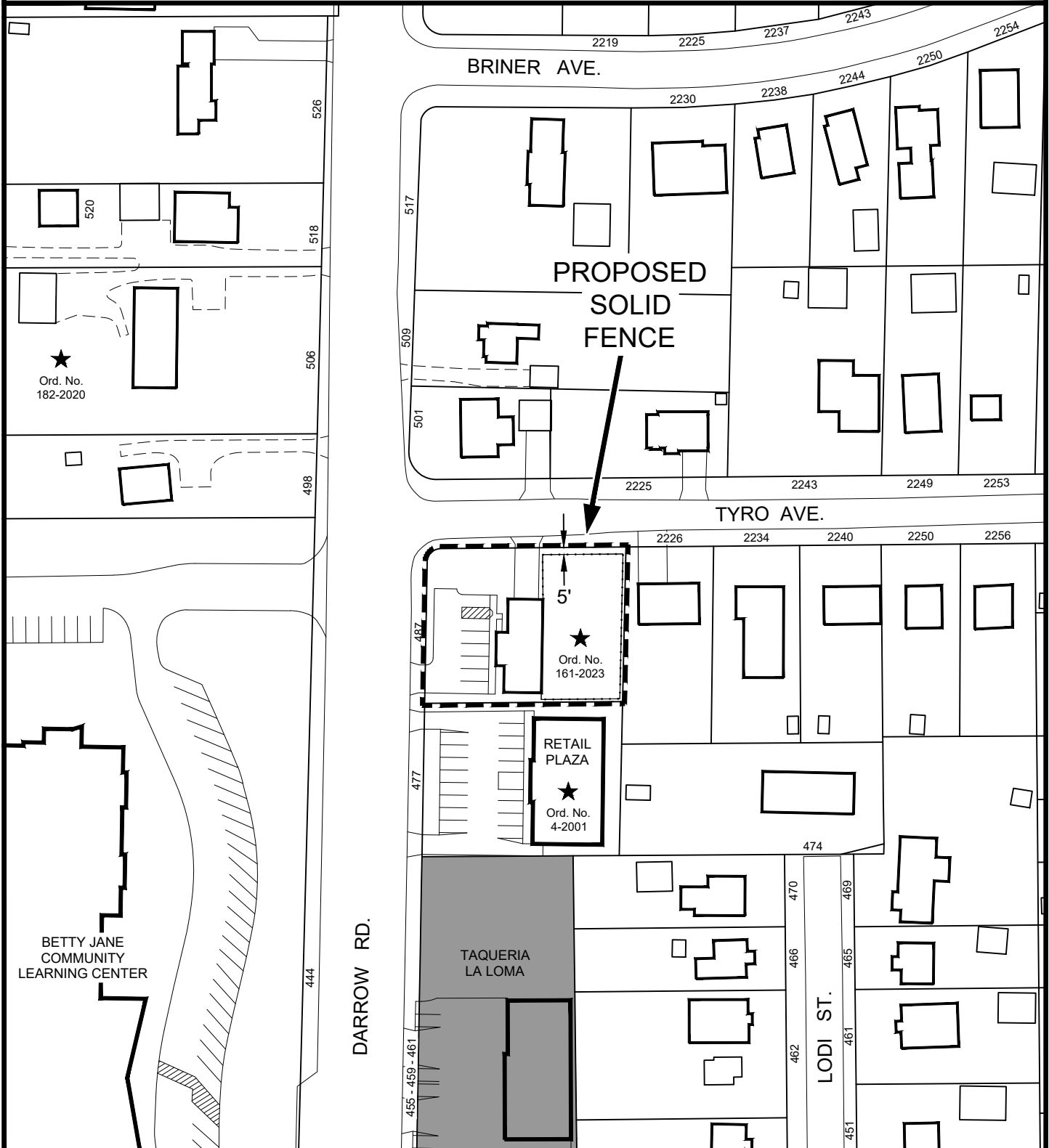
Appeal #06-2024-Z

Appeal of Eudora Graffaree-Robinson to vary the Tyro Avenue building line setback to retain a fence at 487 Darrow Road

- ★ Conditional Use
- U1 Single Family Residential
- U3 Retail Business



0 100'
Created 07/01/2024 jwh
Revised 07/02/2024 jwh



MEMORANDUM

TO: AKRON BOARD OF ZONING APPEALS **ITEM # 2B**
APPEAL #06-2024-Z

FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT

DATE: JULY 24, 2024 **WARD:** 6
COUNCILPERSON: McKitrick

SUBJECT: **APPEAL #06-2024-Z**—Appeal of Eudora Graffaree-Robinson to vary the Tyro Street building line setback to retain a fence at 487 Darrow Road.

REASON FOR APPEAL: 153.305(D)(3)

BOARD OF ZONING APPEALS AUTHORITY: 153.404(K)

GENERAL LOCATION: East side of Darrow Road, south of Tyro Street

LAND USE IN THE SURROUNDING AREA:

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

ZONED: Conditionally zoned via Ordinance No. 161-2023 to allow an insurance office

BUILDING LINE: 20 feet

SIZE OF LOT & AREA: 111 feet by 136 feet = 15,096 square feet of area

COMMENTS:

Eudora Graffaree-Robinson is the owner of an insurance agency and parking area located on the east side of Darrow Road, south of Tyro Street, addressed as 487 Darrow Road. The corner property contains 15,096 square feet of area. Surrounding uses are residential to the north and east, Betty Jane Community Learning Center to the west, and Triway Plaza to the south. The property is conditionally zoned via Ordinance No.161-2023, which permitted the insurance agency. The Land Use and Development Guide Plan recommends single-family uses for this property.

The Appellant is requesting permission to retain a solid fence within the Tyro Street building line setback. The closest portion of the fence will be five feet from the

property line. The building line setback for fences is 20 feet and the Board of Zoning Appeals (BZA) has the authority to vary up to 75% of the building line setback. As such, the 15 feet variance requires BZA approval.

The Appellant was granted permission (O.N. 161-2023) to convert the single-family dwelling into an insurance agency office with a parking area off of Darrow Road. The section of Tyro Avenue east of the Appellant's drive does not contain a sidewalk. Earlier this year, the zoning office was notified by Akron's Plans and Permits office that they had received a complaint about a solid fence too close to the road. Their inspection revealed a six feet solid fence on the eastern portion of the property that extended past the right-of-way to approximately two feet from the curb. The zoning office has also received complaints about the neighboring residents having difficulty safely exiting their property. Since the initial inspection, portions of the fence have been removed.

The Appellant has stated that the fence is needed for safety reasons because her staff works late in the evenings, and she would like to plan outdoor business meetings. One goal of the Land Use and Development Guide Plan is to preserve and protect single family residential neighborhoods. The Zoning Code, since its inception in 1922, has always contained restrictions for structures near a right-of-way in residential districts as a means to provide sufficient visibility for motorists and pedestrians. Placing the fence at the building line setback would still provide the Appellant approximately 4,000 square feet of side/rear yard space for meetings and privacy. Further, allowing a six feet in height solid fence to be five feet from the property line would interfere with the Tyro Avenue line of homes and be intrusive to the abutting property. While the Planning Staff in the past has been supportive of variances for fences on smaller corner lots, the large size of this lot eliminates any hardship typically associated with corner lots. The Traffic Engineer also supports placing the fence at the setback. Allowing this newly constructed solid fence to be five feet from the property line would establish a negative precedent. As such, the Planning Staff cannot support this request.

RECOMMENDATION:

The Planning Staff, in accordance with Section 153.426, recommends **DISAPPROVAL** of the appeal of Eudora Graffaree-Robinson to vary the Tyro Avenue building line setback to retain a fence at 487 Darrow Road.

KEP/emd