

**MACEDONIA PLANNING COMMISSION
MEETING AGENDA
JULY 17, 2023**

Location: Macedonia City Hall
Council Chambers
9691 Valley View road
Macedonia, Ohio 44056

Time: 5:30 P.M.

Call to Order

Roll Call:

- Mr. Westbrook
- Mr. Wallenhorst
- Mr. Roberts
- Mr. Cox
- Ms. Meske

**Approval of the June 12, 2023 Public Hearing minutes.
Approval of the June 12, 2023 Planning Commission minutes.**

Agenda Items:

- 1) Mr. Cospers is proposing approval of a revised exterior façade for The Rack retail store located at 500 E. Aurora Rd.

Craig Cospers
Cupkovic Architecture LLC
6060 Rockside Rd. North, Suite 100
Independence, Oh 44131
216-524-8400
ccospers@cuparc.com

- 2) Ms. Block is proposing a correction of a lot split located at 845 Ledge Rd.

Sue Block
845 Ledge Rd.
Macedonia, Oh 44056
440-346-3408
suehome@sbcglobal.net

Miscellaneous:

Adjournment

Tabled Items:

Continued Items:

07/18/2022 Proposed electric vehicle charging stations located at 8100 Macedonia Commons Blvd.

03/20/2023 Proposed preliminary plan approval for a new hotel located at 20 Girl Scout Way.

04/17/2023 Proposed Trucking School located at 9426 Freeway Dr.

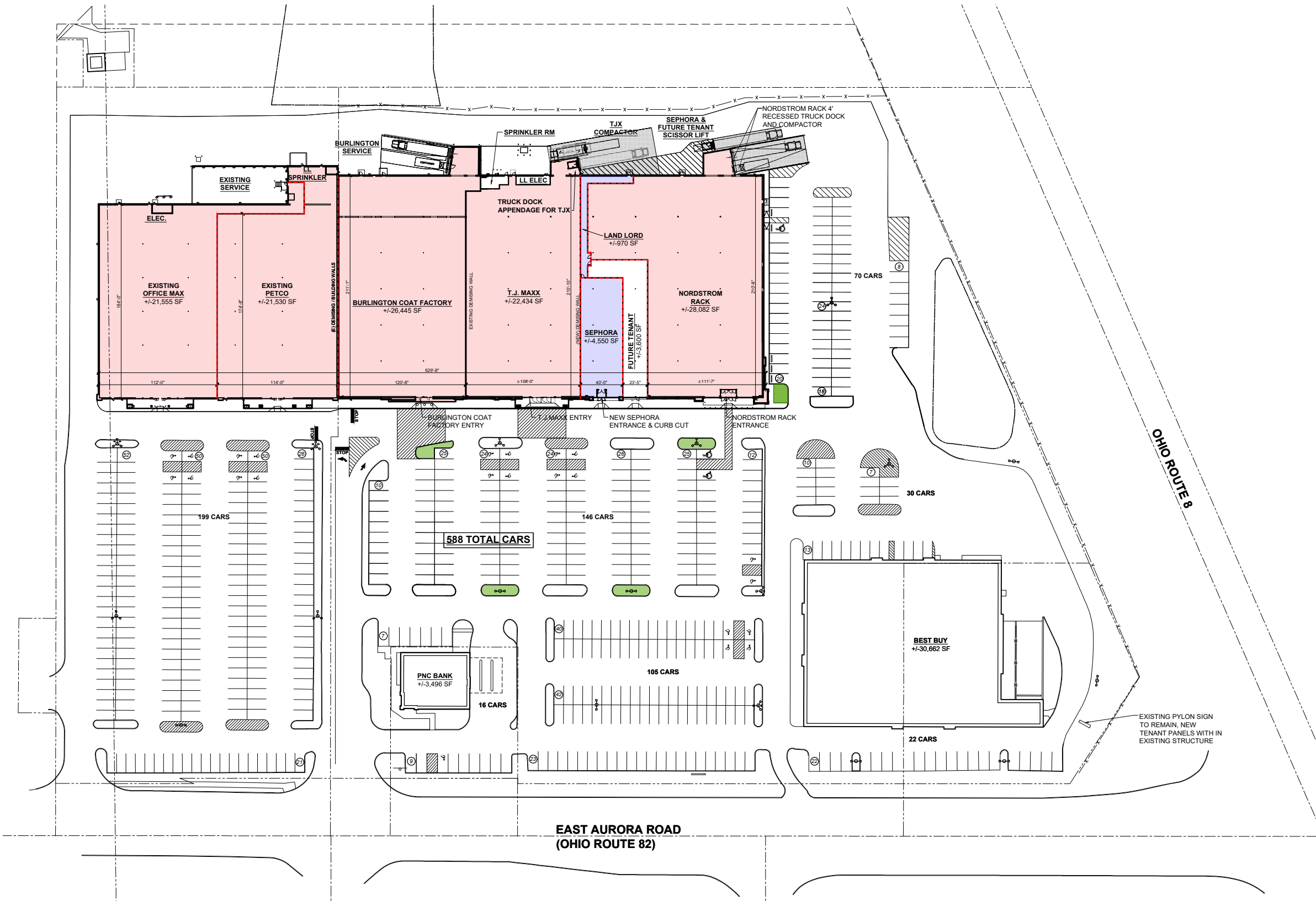
The next regularly scheduled meeting is set for August 21, 2023

All requests & documentation for the Planning Commission must be submitted by July 28, 2023

Tabled items will be removed after one (1) year of inactivity.

MACEDONIA GATEWAY

MACEDONIA, OH



BUILDING AREAS

TENANT	SF
OFFICE MAX	21,555
PETCO	21,530
BURLINGTON COAT FACTORY	26,445
T.J. MAXX	22,434
SEPHORA	4,550
FUTURE TENANT	3,600
NORDSTROM RACK	28,082
SUB TOTAL	128,196

BEST BUY 30,662

PNC BANK 3,496

TOTAL 162,354

PARKING SUMMARY

PARKING PROVIDED	SPACES
OFF STREET	588
TOTAL	588

PARKING RATIO SPACES PER 1000 SF
588 SPACES / 162.35 = 3.62

MACEDONIA REQUIRED RATIO 1 CAR / 250 SF
 TOTAL BUILDING SF 162,354
 SF REDUCED BY 20% FOR STORAGE PER 1171.11 (b)(2) 129,883
129,883 SF / 250 SF = 519 CARS REQUIRED
588 CARS PROVIDED

NOTE:
 SITE LIGHTING AND LANDSCAPING WERE APPROVED AT 12/20/21 PLANNING COMMISSION MEETING

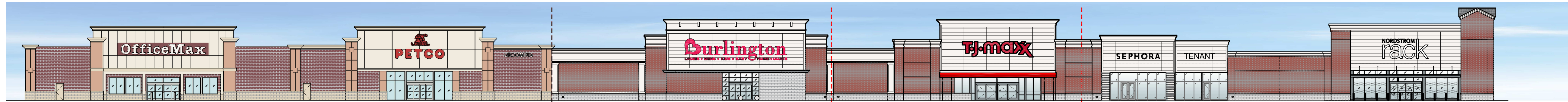
- SEPHORA & LANDLORD CORRIDOR
- EXISTING / UNDER CONSTRUCTION TENANTS
- FUTURE TENANT (TBD)

SITE PLAN

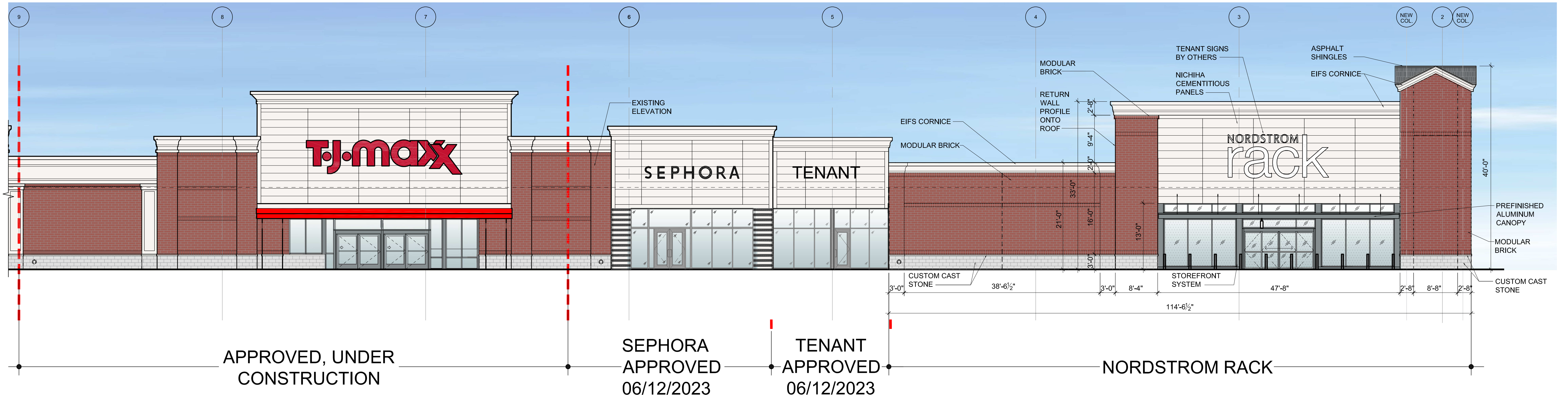
JUNE 23, 2023
 20-031

Design information herein is property of CUPKOVIC architecture, llc
 Architect

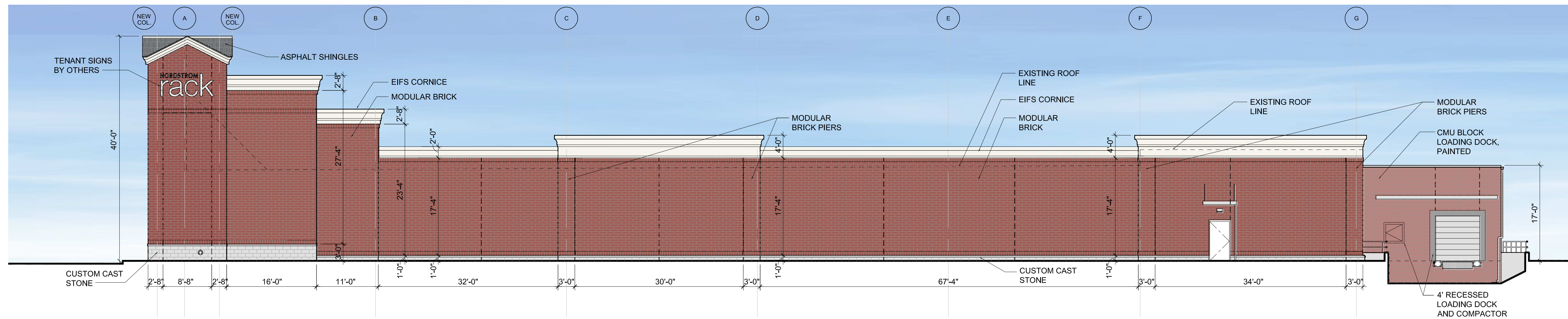




OVERALL NORTH ELEVATION



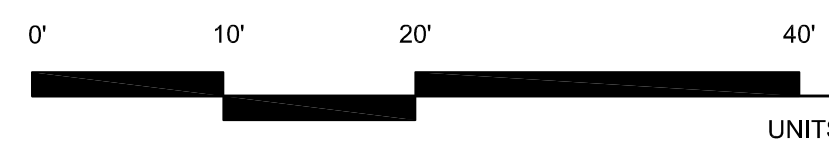
ENLARGED PARTIAL NORTH ELEVATION



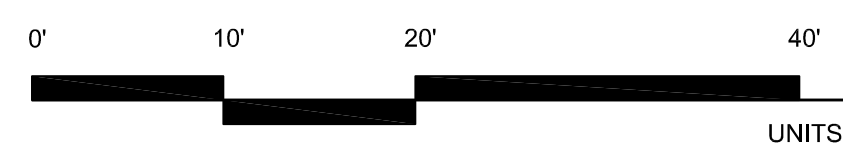
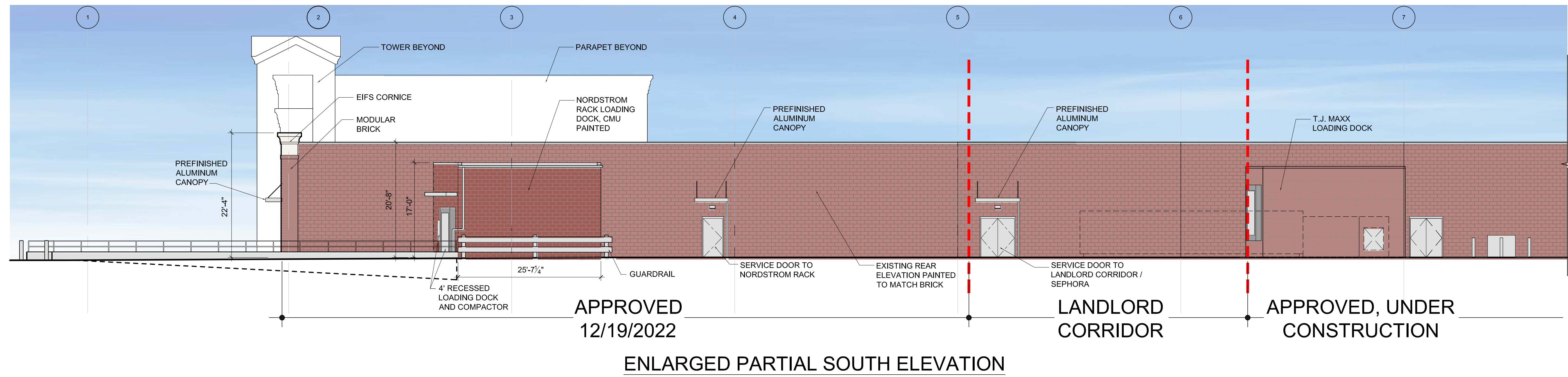
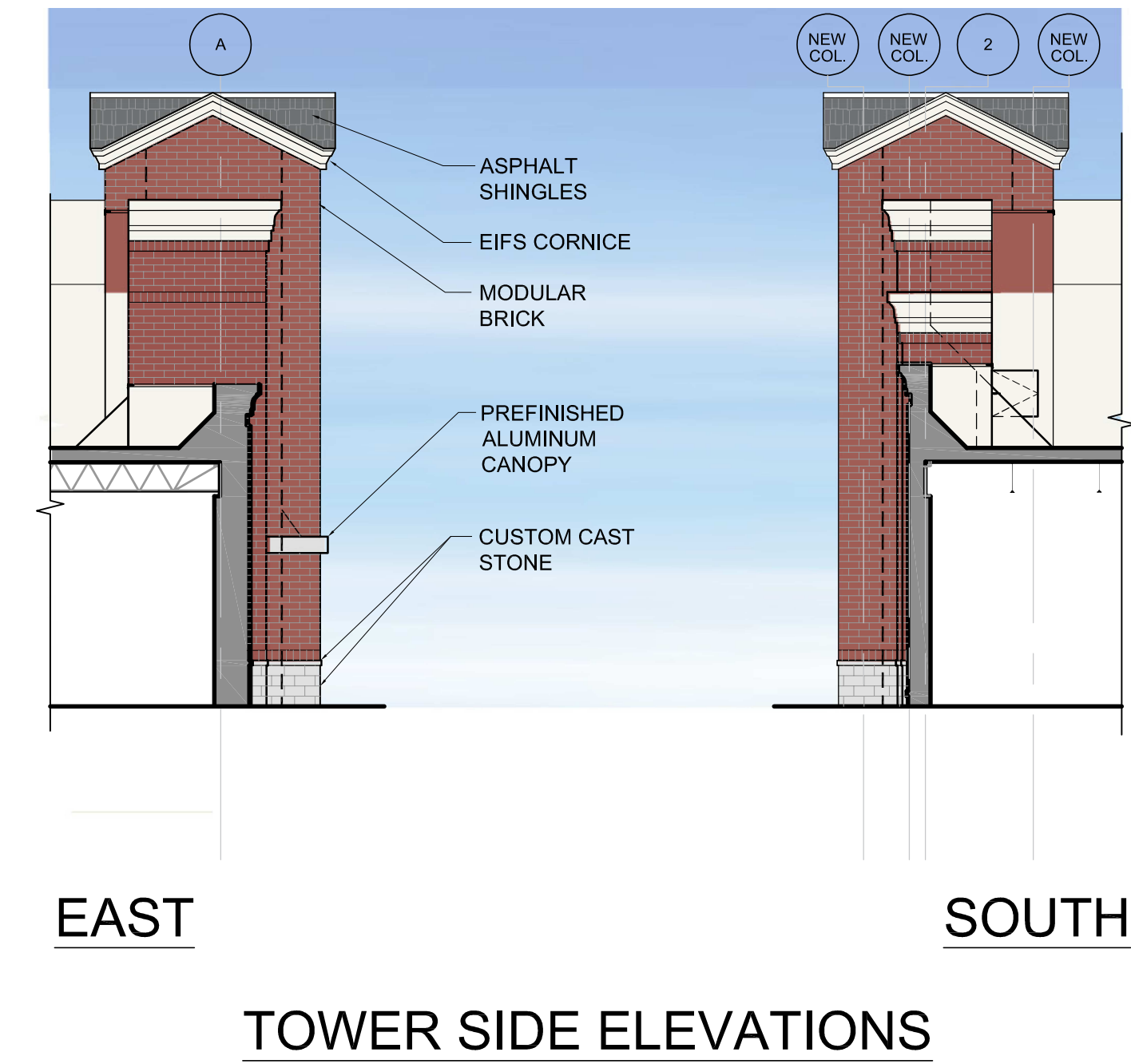
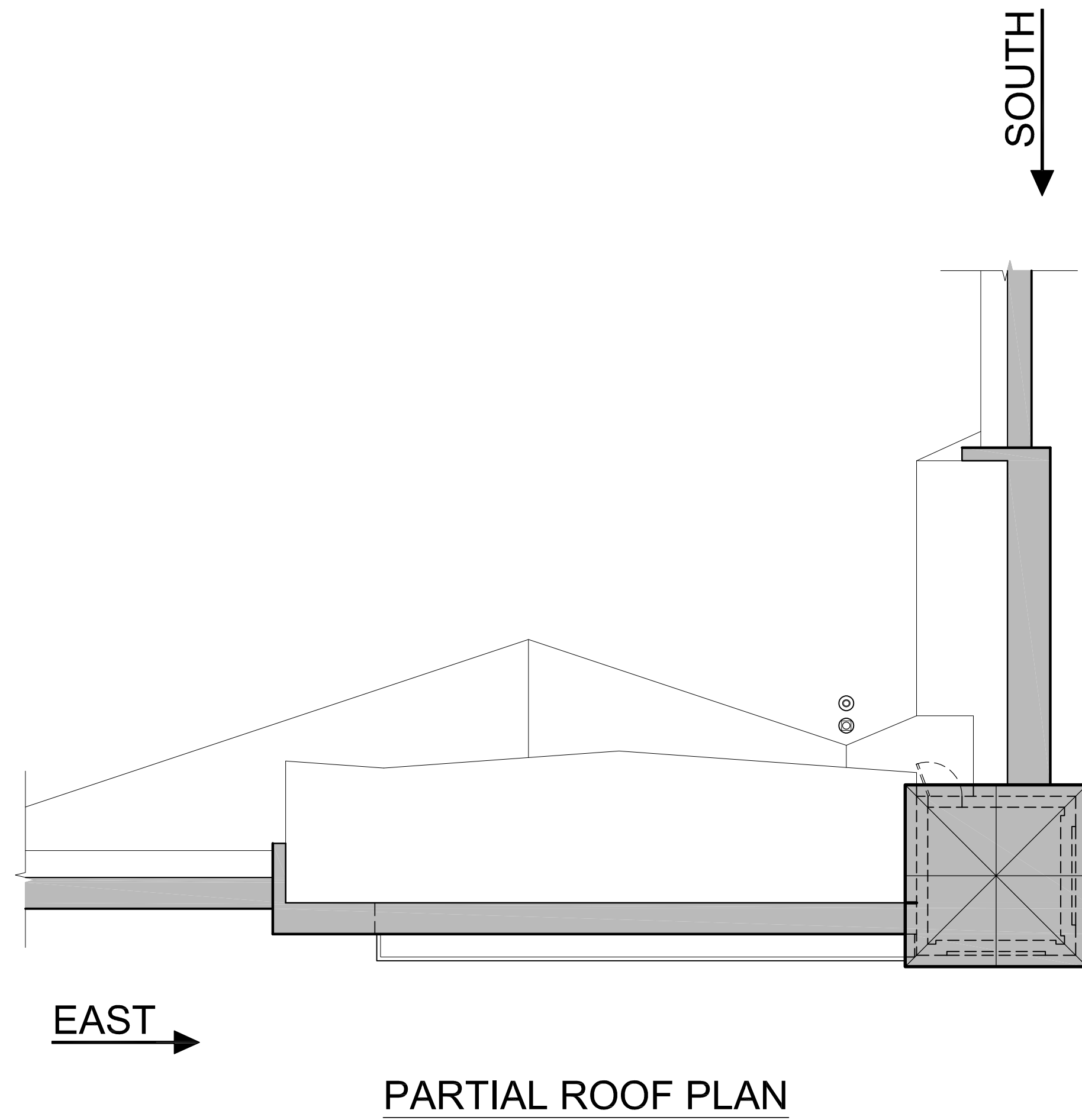
ENLARGED WEST ELEVATION

PROPOSED ELEVATIONS

Design information herein is property of CUPKOVIC architecture, llc
Architect



JUNE 23, 2023
20-031



PROPOSED ELEVATIONS

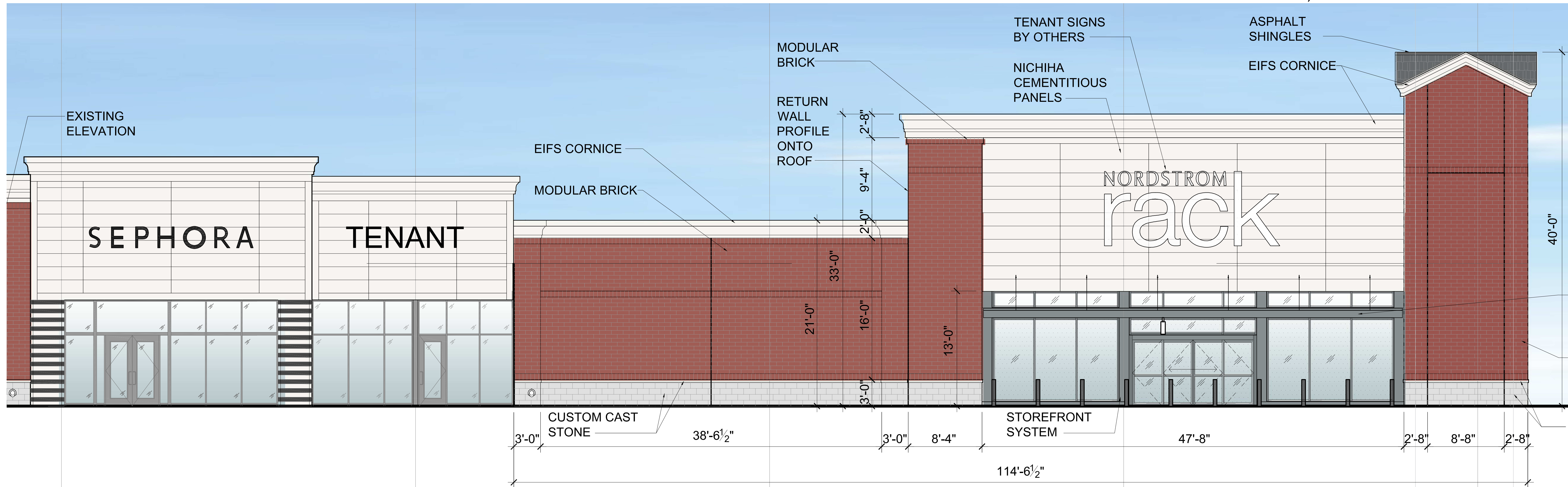
JUNE 23, 2023
 20-031

Design information herein is property
 of CUPKOVIC architecture, llc
 Architect



MACEDONIA GATEWAY

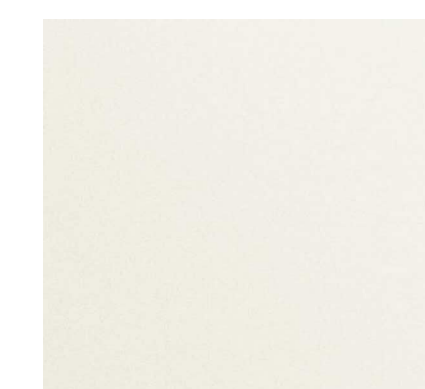
MACEDONIA, OH



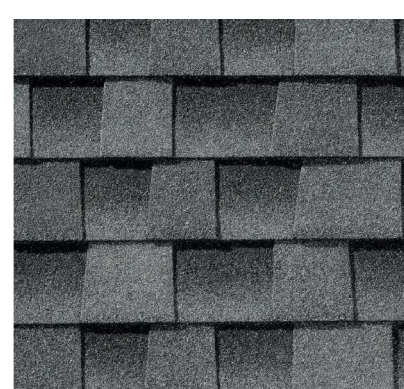
<p>MODULAR BRICK SYSTEM</p> <p>MRF: BOWERSTON COLOR: #130-3 MAHOGANY</p>	<p>PRE-FINISHED ALUM GRAVEL STOP</p> <p>WITH CONTINUOUS CLEAT</p>
<p>CUSTOM CAST STONE & SILL</p> <p>3-5/8" x 7-5/8" x 15-3/8" SMOOTH MFRD STONE MRF: NORTH AMERICAN CAST STONE COLOR: WHEAT STONE</p>	<p>STOREFRONT SYSTEM AND GLAZING</p> <p>CLEAR ANODIZED ALUMINUM FINAL LAYOUT BY NORDSTROM RACK</p>
<p>EIFS CORNICE</p> <p>MRF: STO COLOR: BM OC-141 CHINA WHITE</p>	<p>PAINT</p> <p>MRF: BENJAMIN MOORE COLOR: OC-141 CHINA WHITE</p>
	<p>PAINT</p> <p>MATCH BRICK (COLOR TBD)</p>



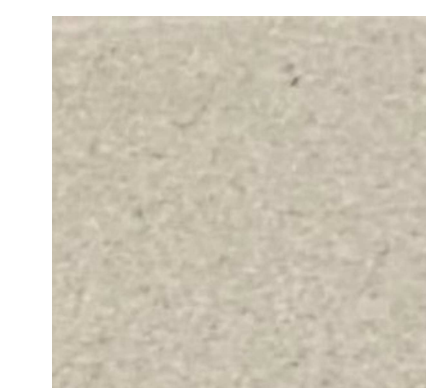
BRICK
BOWERSTON
COLOR: #130-3 MAHOGANY



PAINT 1 BENJAMIN MOORE
COLOR: OC-141
CHINA WHITE



ASPHALT SHINGLES
CHARCOAL GRAY



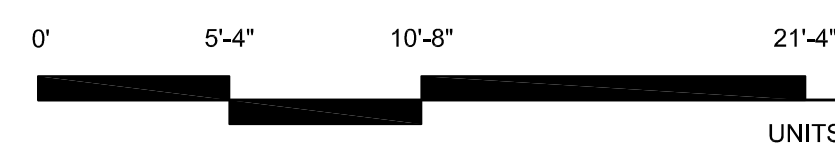
NORTH AMERICAN CAST STONE
COLOR: WHEAT STONE



PAINT 2
COLOR: MATCH BRICK
(REAR ELEVATION)



NICHHA
CEMENTITIOUS PANELS
LATURA V-GROOVE
TO MATCH ADJACENT
CHINA WHITE



UNITS

EXTERIOR MATERIALS

Design information herein is property of CUPKOVIC architecture, llc
Architect

JUNE 23, 2023
20-031



City of Macedonia
Building, Engineering, Zoning & Planning Dept.
The Crossroads of Northeast Ohio

9691 Valley View Road °Macedonia, Ohio 44056
330 / 468-8360 ° Fax: 330 / 468-8396

**APPLICATION FOR HEARING BEFORE THE
MACEDONIA PLANNING COMMISSION**

ALL PLANS FOR SUBMITTAL MUST BE FOLDED. NO ROLLED PLANS WILL BE ACCEPTED.

DATE OF APPLICATION: 6/23/2023

LOCATION OF PROPERTY INVOLVED: 500 East Aurora Road

NATURE OF REQUEST: Planning Commission Approval

APPLICANT NAME & PHONE: Craig Cospers (216) 524-8400

APPLICANT ADDRESS: 6060 Rockside Woods Blvd. North, Suite 100, Independence OH 44131

APPLICANT EMAIL ADDRESS: ccospers@cuparc.com

APPLICANT SIGNATURE: 

NOTES: SEEKING APPROVAL FOR THE REVISED NORDSTROM RACK EXTERIOR FACADE THAT INCLUDES ALL MODULAR BRICK, BRICK PILASTERS IN LIEU OF FIBER CEMENT AND ADJUSTED PARAPET HEIGHTS, THE SITE LIGHTING AND LANDSCAPING FOR GATEWAY MACEDONIA WAS APPROVED AT THE 12/20/2021 MEETING AND IS NOT CHANGED FOR THIS TENANT. NOT INCLUDED IN THE SCOPE ARE THE TENANT SIGNAGE, WHICH WILL BE SUBMITTED INDEPENDENTLY

MEETING DATE: 7/17/2023 FILING FEE _____ ESCROW REQUIRED _____

Deadline for submitting applications is 21 DAYS prior to meeting date. When applying for a hearing, please furnish TWO sets of sketches, maps, drawings, descriptions, or photographs of the property in question. TWO copies of the site plan are required. PLANS MUST BE FOLDED, NOT ROLLED. No rolled plans will be accepted. 11x17 is acceptable for Planning Commission review only. If new construction is involved, a landscape and signage plan should be prepared. This application is for the purpose of scheduling and planning the time of the Macedonia Planning Commission. It is the Commission's desire to serve each applicant with a minimum of delay.

PLEASE NOTE: PERMIT FEES ARE NOT INCLUDED IN THE FILING FEE. ADDITIONAL FEES MAY BE REQUIRED.

The Macedonia Planning Commission meets on the 3rd Monday of each month.

Make checks payable to:
City of Macedonia

Please submit plans to:
Macedonia Building Department
9691 Valley View Rd.
Macedonia, OH 44056



City of Macedonia

The Crossroads of Northeast Ohio

9691 Valley View Road • Macedonia, Ohio 44056
(330) 468-8360 • FAX (330) 468-8396

Building/Engineering/Zoning/Planning Department

PLANNING COMMISSION REQUIREMENTS and MEETING DATES

- When applying for a hearing, please furnish TWO sets of sketches, maps, drawing, descriptions, or photographs of the property in question.
- TWO copies of site plans are required and to be FOLDED, not rolled. Rolled plans will not be accepted; 11 X 17 is preferred for Planning Commission review only.
- An electronic copy must be submitted to sroganish@macedonia.oh.us.
- If new construction is involved, a lighting and landscaping plan should be prepared and submitted. The signage plan should be prepared and submitted separately.
- Submittal by the due date does not guarantee a place on the agenda for the next meeting. The Building Commissioner determines the meeting date after reviewing the plans submitted.
- The applicant will be emailed or contacted by phone with additional fees that may be required.
- The applicant will be notified by email of meeting date and the agenda will be attached.
- The applicant may be emailed memos with comments from the City Planner, City Engineer, City Architectural Advisor, and the City Fire Inspector. These will be reviewed and discussed at the meeting. Revised plans will not be accepted after the City consultants memos have been distributed.
- Attendance to the meeting is not required, but highly recommended. (This is the chance to answer any questions that the Planning Commission might have).
- Permit fees are not included in Planning Commission fees and will be determined only after approval.

Please submit application and plans to:
Macedonia Building Department
9691 Valley View Road
Macedonia, Ohio 44056

Memorandum

TO: Nicholas Molnar, Mayor
and Macedonia Planning Commission

FROM: Brian M. Frantz, AICP

SUBJECT: Nordstrom Rack Final Architectural Amendment

DATE: July 4, 2023

I have reviewed an application dated June 23, 2023 (including revised architectural elevations) in connection with this request and offer the Planning Commission with the following comments for their consideration:

Background

At its previous meeting, Planning Commission provided direction to the applicant regarding the final two design amendments being considered. The Commission agreed to permit a reduction to the height of the Route 8 parapet wall from six feet to four feet, but the conversation ended on a desire to see a “step-down” of the tower element along the western building façade. Regarding the front façade, the Commission asked to explore a reduction in brick (to help with a reduction in structural steel at the applicant’s request) but somehow transition materials appropriately.

Analysis

The front façade modification appears to be exactly what was discussed with the Commission at the previous meeting. The proposal is to carry the Nichiha panels further up the building, removing the brick previously shown. I believe this approach fulfills the Commission’s desires and improves the appearance of the main tower element. I consider this elevation complete.

The western elevation is nearly complete if two very minor modifications occur from the revised submittal. First and most important, the “step-down” of the building elements are stacked too close to the north end of the building. As illustrated, it appears to look like a set of stairs stepping down from the main tower element. The transition between the lowering should proportionally be spread out along the western wall. For example, the first step-down should be moved approximately 20 feet to the south and the second transition should shift accordingly. The 20 feet may not be exact, but the idea is to be more proportional with the transition. There is approximately 138 feet of building wall from the edge of the 11-foot-wide step-down element to the edge of the existing roof line near the end of the western elevation. I don’t believe there is a structural reason why the elevation can’t be more proportional, so consideration of this request is important.

Finally, there should be equal distance between the existing roof line cornice and the one being created. As illustrated, there is approximately 67 feet between the two. Likely this issue will be self-corrected once the previous step-down transition is addressed.

Conclusion

The owner and his consultants have done a tremendous job working through the various façade improvement discussions with the Commission. If the comments provided above regarding the western elevation are addressed prior to, or at the meeting, then I believe the plans should be considered for approval.

Please feel free to contact me if you have any questions or need additional information.

MEMORANDUM

To: Mr. Nicholas Molnar, Mayor
Mr. Bob Rodic, Building Commissioner

From: Pam Schultz, Architectural Review Consultant

Subject: Sephora/Nordstrom Rack/Entire Shopping Center
500 East Aurora Road
Northfield Center, OH

Date: July 5, 2023

I have reviewed the submitted REVISED plans/continued changes for Sephora/Nordstrom Rack/Shopping Center. Please reference my previous review dated May 4, 2023 and May 31, 2023. This review has the listed criteria sections to reference.

The West side elevation facing Route 8 shows revisions with a “step-down” type façade. Please create two equal “step-down” panels. The first portion of the façade stepping down shows 16’ next to the tower. Please increase the SECOND step-down which is shown at 11’ to 16’ to match. OR, create two larger “Step-down” sections. (for example, create two 20’ sections which step down to the overall 19’ 4” height. Once the “step-downs” are accomplished, the taller 36’ section with “modular brick piers” should be centered and should be the same width as the section on the end. (Currently, one section is 36’ wide and the end section is 40’ wide. They should end up the same width and the middle section should be centered between the end section and the last step down.

The building is located in the Town Center area which is governed by the Architectural Design Standards of Macedonia, OH along with specifically, 1172.03 of the Applicable Town Center Standards. These standards are set in place for the entire community. Making substitutions or allowances for an individual tenant would open up MAJOR issues for any current tenant which wasn’t given approval for their “branding” design (IHOP’s blue roof, Taco Bell’s purple lights) as well as for future tenants who believe their “branding” allows for exceptions to be made. With this in mind, I believe the façade cannot be approved with the black and white columns.

Recommendation:

If the commission agrees, it is my strong belief the Sephora columns should not be approved and the West Elevation “step-down” section sizes should be addressed as well as sizing and centering the remaining sections with the modular brick piers..

Please feel free to contact me with any questions or comments.
Thank you!

Pam Schultz



City of Macedonia
The Crossroads of Northeast Ohio
 9691 Valley View Road • Macedonia, Ohio 44056
 (330) 468-8360 • FAX (330) 468-8396

Building/Engineering/Zoning/Planning Department

**APPLICATION FOR HEARING BEFORE THE
 MACEDONIA PLANNING COMMISSION**

All Plans for Submittal Must be **FOLDED**.
 No Rolled Plans will be Accepted.

DATE OF APPLICATION: 05/17/2023

LOCATION OF PROPERTY INVOLVED: 845 Ledge Rd, Macedonia, OH

NATURE OF REQUEST: Correction of Lot Split issue

APPLICANT NAME: Sue Block PHONE: 440-346-3408

APPLICANT ADDRESS: 845 Ledge Rd

APPLICANT EMAIL ADDRESS: suebhome@sbcglobal.net

APPLICANT SIGNATURE: APPROVED
By Susan Block at 12:45 pm, May 17, 2023 DATE: _____

NOTES: Please see attached

MEETING DATE: _____ FILING FEE: 50.00 ESCROW REQUIRED: 300.00

Deadline for submitting applications is **21 DAYS** prior to the meeting date. When applying for a hearing, please furnish **TWO** sets of sketches, maps, drawings, descriptions, or photographs of the property in question. **TWO** copies of the site plan are required. **PLANS MUST BE FOLDED, NOT ROLLED.** No rolled plans will be accepted. 11x17 is acceptable for Planning Commission review only. If new construction is involved, the landscape and lighting plan should be prepared. This application is for the purpose of scheduling and planning the time of the Macedonia Planning Commission. It is the Commissioner's desire to serve each applicant with a minimum of delay.

PLEASE NOTE: PERMIT FEES ARE NOT INCLUDED IN THE FILING FEE, ADDITIONAL FEES MAY BE REQUIRED.

The Macedonia Planning Commission meets on the 3rd Monday of each month.

Make checks payable to:
 City of Macedonia

Please submit plans to:
 Macedonia Building Department
 9691 Valley View Road
 Macedonia, Ohio 44056

Planning Commission Submission

Property Location: 845 Ledge Road, Macedonia, OH 44056

Owners: Jeff and Sue Block

RE: Variance Request for 2 Accessory Buildings

Based on 1163.02 R-1 Residence District (i) B of the Macedonia Codified Ordinances the property at 845 Ledge Road meets the requirements. "Any lot adjacent to unique features such as non-residential zoning, ravines, retention basins or utility easements where a larger accessory building would have no adverse impact on adjacent property, when the Planning Commission finds that there would be no adverse impact on the adjacent property provided that no accessory building pursuant to this section shall be approved when the combined area of all accessory buildings exceeds ten percent (10%) of the rear yard."

Also, based on 1125 Special Development Provisions, the property at 845 meets the requirements. "Where the Planning Commission finds in any particular or specific case, due to unusual topography or other exceptional conditions not common to other areas similarly situated, that extraordinary or undue hardships may result from strict compliance with any requirement of these Regulations it may relax such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided that such relief will not have the effect of nullifying or impairing the intent and purpose of these Regulations, the Major Thoroughfare Plan, the Zoning Ordinance or jeopardize the safety or health of the community. Modifications thus granted, with the reasons therefor, shall be entered in the minutes of the Planning Commission."

The subject property was created in 2016 through a lot split submitted by the Beno Slanina Estate. The Planning Commission approved the split/consolidation which violated Macedonia's zoning ordinances regarding accessory buildings which were in effect at the time of the split and continue today. Due to the split, a hardship, through no fault of their own, was created for the owners of 845 Ledge Road who purchased the property in 2018 without being told of the nonconformities of these buildings. The unique features of the property is that the parcel was created in 2016 by a lot split that did not comply with the zoning ordinances and is adjacent to the properties that were split and consolidated by those owners in violation of the law. The hardship includes a property with buildings that cannot be structurally altered if they are in need of repairs, updates or if they become damaged. The hardship also includes a decrease in property value due to the existence of the nonconforming buildings located on it. This issue was created by the lot split by the former property owners as well as the city of Macedonia that reviewed the split for applicable laws and then subsequently approved it. It could have been avoided if the city ordinances had been considered and followed by the parties involved. This is validated by Mr. Rodic stating in a meeting in the City Council office hours meeting that in hindsight the Planning Commission could have required the parcel enlarged to be an over an acre.

Remedies might include the following:

Variations for the buildings sizes;

Variance to treat the property as if it was over an acre based on the code;

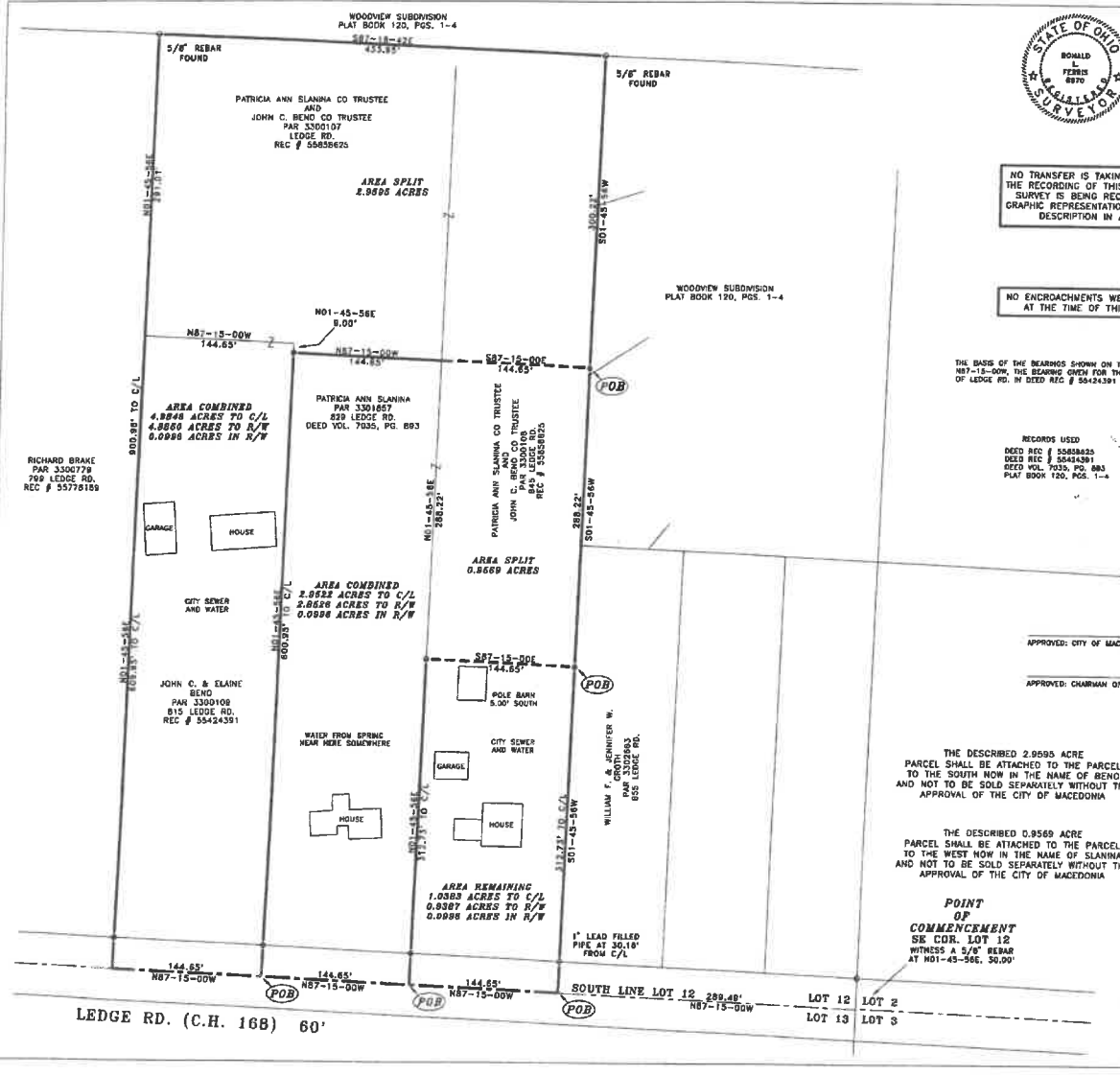
Enforcement of 1129.05 and penalty of 1129.99 in correcting the problem created. “In case any person, firm or corporation violates any of the provisions of these Regulations, the Law Director, in addition to the foregoing fines and penalties and in addition to the remedies otherwise provided by law, is hereby authorized to institute an appropriate action or proceeding in law or equity to prevent such violation or to restrain, correct or abate such violation.”

WOODVIEW SUBDIVISION
PLAT BOOK 120, PGS. 1-4



I HEREBY CERTIFY THAT I HAVE SURVEYED THE LAND SHOWN ON THIS PLAT AND HAVE FOUND OR SET THE PINS AND MONUMENTS SHOWN HEREON, WITH DISTANCES GIVEN IN FEET AND DECIMAL PARTS THEREOF, ALL OF WHICH I CERTIFY TO BE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

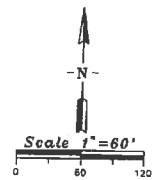
Donald L. Ferris OHC REGISTERED SURVEYOR # 6970 DATE



NO TRANSFER IS TAKING PLACE WITH THE RECORDING OF THIS SURVEY. THIS SURVEY IS BEING RECORDED AS A GRAPHIC REPRESENTATION OF A LEGAL DESCRIPTION IN A DEED.

NO ENCROACHMENTS WERE OBSERVED AT THE TIME OF THIS SURVEY.

THE BASIS OF THE BEARINGS SHOWN ON THIS PLAT IS NB7-15-00W, THE BEARING GIVEN FOR THE CENTERLINE OF LEDGE RD. IN DEED REC # 50424391



LEGEND

- IRON PIN FOUND
- ⊙ 5/8" REBAR SET
- ORIG. BOUNDS
- - - SPLIT LINE

RECORDS USED
DEED REC # 50488625
DEED REC # 50454391
DEED VOL. 7035, PG. 683
PLAT BOOK 120, PGS. 1-4

APPROVED: CITY OF MACEDONIA CHAIRMAN DATE

APPROVED: CHAIRMAN OF THE PLANNING COMMISSION DATE

THE DESCRIBED 2.9595 ACRE PARCEL SHALL BE ATTACHED TO THE PARCEL TO THE SOUTH NOW IN THE NAME OF BENO AND NOT TO BE SOLD SEPARATELY WITHOUT THE APPROVAL OF THE CITY OF MACEDONIA.

THE DESCRIBED 0.9569 ACRE PARCEL SHALL BE ATTACHED TO THE PARCEL TO THE WEST NOW IN THE NAME OF SLANINA AND NOT TO BE SOLD SEPARATELY WITHOUT THE APPROVAL OF THE CITY OF MACEDONIA.

POINT OF COMMENCEMENT
SE COR. LOT 12
WITNESS A 5/8" REBAR
AT N01-45-56E, 50.00'

LOT SPLIT CONSOLIDATION SURVEY PLAT FOR JOHN C. & ELAINE BENO AND PATRICIA ANN SLANINA

SITUATED IN THE CITY OF MACEDONIA COUNTY OF SUMMIT STATE OF OHIO AND KNOWN AS BEING PART OF ORIGINAL LOT 12 FORMERLY NORTHFIELD TOWNSHIP

RECEIVED

APR 26 2016
CITY OF MACEDONIA BUILDING DEPARTMENT

APRIL 2016
SCALE: 1"=60'
PROJECT # 14824
SHEET SIZE 16x24



CITY OF MACEDONIA
The Crossroads of Northeast Ohio
 9691 Valley View Road • Macedonia, Ohio 44056
 330 / 468-8360 • Fax: 330 / 468-8396



**APPLICATION FOR HEARING BEFORE THE
 MACEDONIA PLANNING COMMISSION**

**ALL PLANS FOR SUBMITTAL MUST BE FOLDED. NO ROLLED PLANS
 WILL BE ACCEPTED.**

DATE OF APPLICATION: 4/26/2016

LOCATION OF PROPERTY INVOLVED: 815, 829, 845 Ledge Rd.

NATURE OF REQUEST: Lot Split Consolidation

APPLICANT NAME: John C. + Elaine Beno, Patricia Ann Stanina

APPLICANT ADDRESS: 815 Ledge Rd. Macedonia

APPLICANT PHONE: 330-467-1507

APPLICANT SIGNATURE: John C. Beno Elaine Beno Patricia A. Stanina

NAME(S) & ADDRESS OF PERSONS TO BE NOTIFIED OF HEARING:
John Beno, Patricia Stanina
815 Ledge Rd. Macedonia, OH 44056

MEETING DATE: _____ FILING FEE: \$400

Deadline for submitting applications is 17 DAYS prior to meeting date. When applying for hearing, please furnish TWELVE sets of sketches, maps, drawings, descriptions or photographs of the property in question. TWELVE copies of the site plan area required. **PLANS MUST BE FOLDED, NOT ROLLED.** No rolled plans will be accepted. If new construction is involved, a landscape and signage plan should be prepared. This application is for the purpose of scheduling and planning the time of the Macedonia Planning Commission. It is the Commission's desire to serve each applicant with a minimum of delay.

PLEASE NOTE: PERMIT FEES ARE NOT INCLUDED IN THE FILING FEE. ADDITIONAL FEES MAY BE REQUIRED.

The Macedonia Planning Commission meets on the 3rd Monday of each month.

Make checks payable to:
 City of Macedonia

Please submit plans to:
 Macedonia Building Department
 9691 Valley View Rd.
 Macedonia, OH 44056
 Phone: (330)468-8360
 Fax: (330)468-8396

Memorandum

TO: Joseph Migliorini, Mayor
and Macedonia Planning Commission

FROM: Brian M. Frantz, AICP

SUBJECT: Beno and Slanina Lot Split and Consolidation

DATE: May 13, 2016

The applicants for this proposal own four properties off of Ledge Road. The Beno family owns a 1.9 acre lot (parcel #3300109 – 815 Ledge Road) and the Slanina family owns three lots (parcel #3301857 – 829 Ledge Road; parcel #3300108 – 845 Ledge and parcel #3300107 – 2 vacant acres). The properties are located in the R-1 Residence District. I have reviewed an application (and lot split/consolidation plat) dated April 26, 2016 in connection with this proposal and offer the Planning Commission with the following comments for their consideration:

Lot splits and consolidations are subject to the requirements of the Subdivision Regulations. Specifically, Section 1117.03 (b) details the standards for lots. This proposal complies with the lot requirements (including setbacks for existing structures) of the Zoning Code, as well as the standards set forth in Section 1117.03 (b) with one exception. The Beno parcel (parcel #3300109 – 815 Ledge Road) is currently about 145 feet wide and 580 long. This represents slightly more than a 3:1 width-to-depth ratio, which is the maximum desired ratio pursuant to Section 1117.03 (b) (1) of the Code. The proposal is to add approximately 300 more feet in length to 815 Ledge Road by combining with parcel #3300107 (the vacant land) and creating a long “flag” lot. Since the existing lot is already non-conforming and the proposal is to increase the non-conformity by increasing the lot depth, some type of exception is needed.

As written, Section 1117.03 (b) (1) gives some latitude to consider a width-to-depth ratio greater than 3:1 by stating, “Lot depth...shall normally not exceed a ratio of three to one.” The word normally implies that a greater ratio is possible. What remains unclear is who approves the greater ratio. Likely this falls under the responsibilities of the Planning Commission but this particular Code Section doesn’t provide the needed guidance. However reading further into the regulations, Section 1125.10 (b) provides language regarding modifications or exceptions to the standards. This Section states that the Planning Commission makes a recommendation that is ultimately voted on by City Council. While I don’t necessarily have any concerns with the needed modification, it does appear a majority approval of City Council is required to finalize this proposal. If the Commission agrees, then they should consider voting on this matter and referring it to City Council for final approval.

If you have any questions or need additional information, please feel free to contact me.

M E M O

To: Planning Commission

From: Joe Gigliotti, P.E.

Date: 05-10-16

Re: Plan Review Comments: Lot Split @ 815-845 Ledge Road

After a review of the submittals for the above noted agenda item, the following comments are offered:

The proposed plat is zoning district R-1. The proposed plat meets the minimum lot width requirement of 100 feet, and minimum lot area requirement of 20,000 SF. The existing pole barn shown is exactly 5.00 feet from the proposed rear lot line, thus meeting the minimum setback. Side setback distances for structures will not be altered, as per the submittal. The plat is acceptable for Planning Commission purposes. The submitted plat is unsigned. The plat will need to show the location of the centerline of Apache Run. Since the legal owners of the existing lots are all slightly different, it will need to be clearly stated on the plat who is the legal owner of each final parcel. Further detailed review between the Engineer and the Surveyor of record would be needed prior to final City approval.

April 19, 2016

Legal Description
for
4.9846 Acre Parcel Combined

Situated in the City of Macedonia, County of Summit, and State of Ohio and known as being part of original lot 12, formerly Northfield Township and more fully bounded and described as follows:

Commencing for reference at the Southeast corner of said lot 12, which is also on the centerline of Ledge Rd. (C.H. 168, 60.00' wide) (witness a 5/8" rebar at N 01°45'56" E, 30.00'), thence N 87°15'00" W, along the centerline of said Ledge Rd. and the South line of said lot 12, 578.79' to a point and the Place of Beginning for the parcel of land herein described;

Thence N 87°15'00" W, along the centerline of Ledge Rd. and the South line of lot 12, 144.65' to a point;

Thence N 01°45'56" E, 900.96' to a 5/8" rebar found; (and passing over a 5/8" rebar set at 30.00')

Thence S 87°16'42" E, 433.95' to a 5/8" rebar found;

Thence S 01°45'56" W, 300.22' to a 5/8" rebar set;

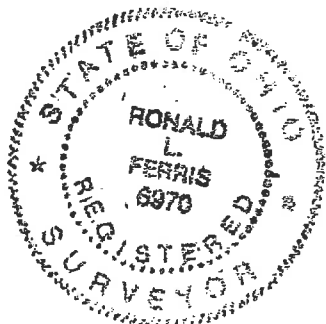
Thence N 87°15'00" W, parallel to the centerline of Ledge Rd. and the South line of lot 12, 289.30' to a 5/8" rebar set;

Thence S 01°45'56" W, 600.95' to the Place of Beginning and passing over a 5/8" rebar set at 30.00' from the centerline and containing 4.9846 acres of land (4.8850 acres to the Right of Way) as surveyed in the field by Ronald L. Ferris, Registered Surveyor #6970 in April of 2016, but subject to all legal highways, right of ways, restrictions, and easements of record, if any. Reserving particularly the Southerly 30.00' of the above described parcel for roadway purposes.

The basis of bearings for this description is N 87°15'00" W, the bearing given for the centerline of Ledge Rd. in deed recorded with reception # 55424391 of the Summit County Record of Deeds.

This description is based on an updated field survey of a portion of the land previously recorded with Reception # 55858625 and all of the land previously recorded with Reception # 55424391 of the Summit County Record of deeds.

Ronald L. Ferris
4-19-16



April 19, 2016

Legal Description
for
2.9595 Acre Parcel Split

Situated in the City of Macedonia, County of Summit, and State of Ohio and known as being part of original lot 12, formerly Northfield Township and more fully bounded and described as follows:

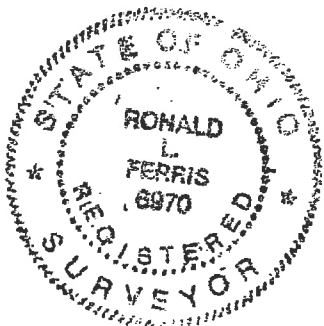
Commencing for reference at the Southeast corner of said lot 12, which is also on the centerline of Ledge Rd. (C.H. 168, 60.00' wide) (witness a 5/8" rebar at N 01°45'56" E, 30.00'), thence N 87°15'00" W, along the centerline of said Ledge Rd. and the South line of said lot 12, 289.49' to a point, thence N 01°45'56" E, 600.95' to a 5/8" rebar set and the Place of Beginning for the parcel of land herein described; (and passing over a 1" lead filled pipe at 30.16', and also passing over a 5/8" rebar set at 312.73')

Thence N 87°15'00" W, parallel to the centerline of Ledge Rd., 289.30' to a 5/8" rebar set;
Thence N 01°45'56" E, 9.00' to a point;
Thence N 87°15'00" W, parallel to the centerline of Ledge Rd., 144.65' to a point;
Thence N 01°45'56" E, 291.01' to a 5/8" rebar found;
Thence S 87°16'42" E, 433.95' to a 5/8" rebar found;
Thence S 01°45'56" W, 300.22' to the Place of Beginning and containing 2.9595 acres of land as surveyed in the field by Ronald L. Ferris, Registered Surveyor #6970 in April of 2016, but subject to all legal highways, right of ways, restrictions, and easements of record, if any.

The basis of bearings for this description is N 87°15'00" W, the bearing given for the centerline of Ledge Rd. in deed recorded with reception # 55424391 of the Summit County Record of Deeds.

This description is based on an updated field survey of a portion of the land previously recorded with Reception # 55858625 of the Summit County Record of deeds.

Ronald L Ferris
4-19-16



April 19, 2016

Legal Description
for
2.9522 Acre Parcel Combined

Situated in the City of Macedonia, County of Summit, and State of Ohio and known as being part of original lot 12, formerly Northfield Township and more fully bounded and described as follows:

Commencing for reference at the Southeast corner of said lot 12, which is also on the centerline of Ledge Rd. (C.H. 168, 60.00' wide) (witness a 5/8" rebar at N 01°45'56" E, 30.00'), thence N 87°15'00" W, along the centerline of said Ledge Rd. and the South line of said lot 12, 434.14' to a point and the Place of Beginning for the parcel of land herein described;

Thence N 87°15'00" W, along the centerline of Ledge Rd. and the South line of lot 12, 144.65' to a point;

Thence N 01°45'56" E, 600.95' to a 5/8" rebar set; (and passing over a 5/8" rebar set at 30.00')

Thence S 87°15'00" E, parallel to the centerline of Ledge Rd., 289.30' to a 5/8" rebar set;

Thence S 01°45'56" W, 288.22' to a 5/8" rebar set;

Thence N 87°15'00" W, parallel to the centerline of Ledge Rd. and the South line of lot 12, 144.65' to a 5/8" rebar set;

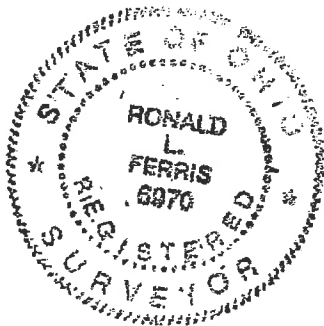
Thence S 01°45'56" W, 312.73' to the Place of Beginning and passing over a 5/8" rebar set at 30.00' from the centerline and containing 2.9522 acres of land (2.8526 acres to the Right of Way) as surveyed in the field by Ronald L. Ferris, Registered Surveyor #6970 in April of 2016, but subject to all legal highways, right of ways, restrictions, and easements of record, if any. Reserving particularly the Southerly 30.00' of the above described parcel for roadway purposes.

The basis of bearings for this description is N 87°15'00" W, the bearing given for the centerline of Ledge Rd. in deed recorded with reception # 55424391 of the Summit County Record of Deeds.

This description is based on an updated field survey of a portion of the land previously recorded with Reception # 55858625 and all of the land previously recorded in deed vol. 7035, pg. 893 of the Summit County Record of deeds.

Ronald L Ferris

4-19-16



April 19, 2016

Legal Description
for
0.9569 Acre Parcel Split

Situated in the City of Macedonia, County of Summit, and State of Ohio and known as being part of original lot 12, formerly Northfield Township and more fully bounded and described as follows:

Commencing for reference at the Southeast corner of said lot 12, which is also on the centerline of Ledge Rd. (C.H. 168, 60.00' wide) (witness a 5/8" rebar at N 01°45'56" E, 30.00'), thence N 87°15'00" W, along the centerline of said Ledge Rd. and the South line of said lot 12, 289.49' to a point, thence N 01°45'56" E, 312.73' to a 5/8" rebar set and the Place of Beginning for the parcel of land herein described; (and passing over a 1" lead filled pipe at 30.16')

Thence N 87°15'00" W, parallel to the centerline of Ledge Rd., 144.65' to a 5/8" rebar set;
Thence N 01°45'56" E, 288.22' to a point;

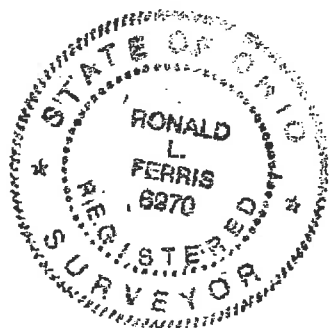
Thence S 87°15'00" E, parallel to the centerline of Ledge Rd., 144.65' to a 5/8" rebar set;

Thence S 01°45'56" W, 288.22' to the Place of Beginning and containing 0.9569 acres of land as surveyed in the field by Ronald L. Ferris, Registered Surveyor #6970 in April of 2016, but subject to all legal highways, right of ways, restrictions, and easements of record, if any.

The basis of bearings for this description is N 87°15'00" W, the bearing given for the centerline of Ledge Rd. in deed recorded with reception # 55424391 of the Summit County Record of Deeds.

This description is based on an updated field survey of a portion of the land previously recorded with Reception # 55858625 of the Summit County Record of deeds.

Ronald L Ferris
4-19-16



April 19, 2016

Legal Description
for
1.0383 Acre Parcel Remaining

Situated in the City of Macedonia, County of Summit, and State of Ohio and known as being part of original lot 12, formerly Northfield Township and more fully bounded and described as follows:

Commencing for reference at the Southeast corner of said lot 12, which is also on the centerline of Ledge Rd. (C.H. 168, 60.00' wide) (witness a 5/8" rebar at N 01°45'56" E, 30.00'), thence N 87°15'00" W, along the centerline of said Ledge Rd. and the South line of said lot 12, 289.49' to a point and the Place of Beginning for the parcel of land herein described;

Thence N 87°15'00" W, along the centerline of Ledge Rd. and the South line of lot 12, 144.65' to a point;

Thence N 01°45'56" E, 312.73' to a 5/8" rebar set; (and passing over a 5/8" rebar set at 30.00')

Thence S 87°15'00" E, parallel to the centerline of Ledge Rd., 144.65' to a 5/8" rebar set;

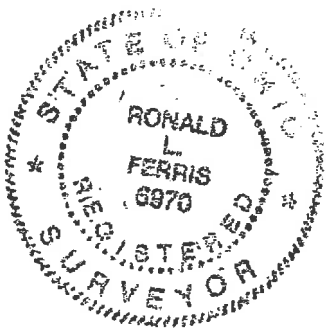
Thence S 01°45'56" W, 312.73' to the Place of Beginning and passing over a 1" lead filled pipe at 30.16' from the centerline and containing 1.0383 acres of land (0.9387 acres to the Right of Way) as surveyed in the field by Ronald L. Ferris, Registered Surveyor #6970 in April of 2016, but subject to all legal highways, right of ways, restrictions, and easements of record, if any. Reserving particularly the Southerly 30.00' of the above described parcel for roadway purposes.

The basis of bearings for this description is N 87°15'00" W, the bearing given for the centerline of Ledge Rd. in deed recorded with reception # 55424391 of the Summit County Record of Deeds.

This description is based on an updated field survey of a portion of the land previously recorded with Reception # 55858625 of the Summit County Record of deeds.

Ronald L Ferris

4-19-16



Dear Mr. Finley,

I am writing to follow-up on the meeting we had on April 27, 2023 before the council meeting. I would like to specifically address some ordinances in the code related to buildings as well as other issues and questions I have regarding the zoning and planning processes. I will list the following codes as examples:

1163.02 Residence District Accessory uses, buildings, and structures permitted in this district shall conform to the following standards:

Section (h) in this section lists the specifics including 1 private garage and 1 other accessory building as well as the requirements in size, placement and building specifications.

Section (i) in this section is provisions for larger lots and unique sites requiring approval by the Planning Commission based on lots larger than 1 acre or unique features with examples that would not have an adverse impact on adjacent properties and when the combined use of all accessory buildings does not exceed 10% of the rear yard.

Upon reviewing past zoning appeals and planning commission conditional use applications, there seems to be confusion and maybe some unequal applications of the codes. One thing in particular that seems to need some clarification in the interpretation of the accessory building codes. I was told by Mr. Chris Hall that you can have more accessory buildings and they can be any size as if you have more than an acre of property and it's approved by the planning commission. However, in some instances when I reviewed the planning commission notes and meetings, the interpretation is that you can have an accessory building or garage over 600 square feet, but not the other building, which can only be a maximum of 288 square feet for larger lots. I don't read it that way and I would not think others would either. Also, (i) seems to be separate from the (h) portion of the code, but some parts of it are being conjoined as one. For example, in the planning commission notes, I have seen where the planning commission told the applicant they needed to get a height variance for the building they were requesting because it was over 15 ft. and then in a subsequent meeting they noted that the zoning panel sent it back to planning due to the allowance of larger structures and their needed approval. Also, in relation to the differences in the code for unique sites, who decides what is considered a unique site, apparently it's Mr. Hall, the zoning inspector because seems to be the one to answer the questions regarding what is needed when a call is placed to the building department.

I spoke to a resident that I spoke to a resident who applied for a conditional use permit to increase the size of one of his two accessory buildings and was told he had to request a variance because both of his buildings are oversized and only one is allowed, and the other has to be under 288 sq. ft. He was also told that he had to get a deed restriction that the property was not to be used for a business. I saw this same provision in another note from a conditional zoning applicant. That made me wonder why they ask the owners if they are using the buildings for a business and they all state no under oath, but some are told they have to get a deed restriction but not all. There are some codes, including 1171.15 that allowed for some nonresidential uses in residential districts and also would some not be non-conforming uses? Even though this does not apply to us, I thought it was interesting that a planning commission would require a resident to put a deed restriction on their property since that seems

unrelated and overkill. The resident I spoke with told me that he made further inquiries and was told that they had used the wrong codes relating to his conditional application and he was now going to be able to do what he planned. I didn't want to pry as to the details of the change, but again it seems it was another mistake by the commission, which I didn't see noted anywhere.

In our experience with this process, we were not given a choice of where we thought we should apply, we were told we were under an acre and had to apply for a zoning appeal. I was uncertain as to the size of our property as we had 3 different sizes listed with our property, 1.03, .96 and .93 acres. Also, I felt the unique feature of the property being built into a ledge and having no impact on adjacent properties since the structure we wanted to replace already existed in the square footage was not being increased, would also qualify as a condition to be heard by a conditional use application. Our application was based on decisions made to the property by the planning commission, why weren't we able to apply to have a conditional zoning application heard by the planning commission especially considering they were the ones that allowed the property split which violated the codes? Also, in regard to our application for the variance, the variances listed were written as 3, but not what I requested. They were 1) to have an additional garage, 2) to have an oversized garage, and 3) a height variance. I requested an oversized accessory building (which could be a garage since garages are accessory buildings), a height variance, and for a variances for the existing garage which is over 600 square feet. I was told by Mr. Hall that since we were not planning on doing anything to that building at this time, then he wasn't going to add it and if I wanted it added, it could be decided that we remove that building or make it conform to the 600 sq. ft.

I requested and reviewed some variance appeals for oversized accessory buildings and I received notes on 3. Of the three, one for an oversized garage was denied because the garage was going to be bigger than the house and the applicant did not attend for questions, another one for a garage was approved with a variance of 120 sq. ft. on a half-acre lot, and the last was for an over-sized (by 96 sq ft) shed that was denied and advised to seek a change in the ordinance, which did happen the following year. Interestingly, the shed variance was requested by a homeowner that moved in about a year before and he had his neighbor present who agreed with his plans and there were other homes nearby with larger sheds. The applicant stated he was doing home projects and does woodworking and there is not enough room in the garage for his cars so he wants to use the shed for storage. The panel noted it was difficult to find hardship in those types of cases. The allowed garage variance was for an applicant that stated he was a longtime resident and pays to store his cars elsewhere and if he didn't get the variance he might move. Both hardships appear to be not having enough room to store their stuff, so why the difference?

In our meeting last week, I also brought up code 1173.03 continuation of existing uses conditionally permissible in that it states that a certificate would be issued for properties made non-conforming due to a code change. I asked Mr. Hall if there were any on file for our property and he stated he didn't know what I was referring to, he has never seen such a thing. He did relay a story about a resident who had a solid fence before a recent ordinance change no longer allowing them and he was not allowed to add to it and couldn't request a variance because it was not allowed. I assume that resident did not receive a certificate notifying him of the non-conforming fence? The problem I see here is that if a code is no longer used or applicable, then why is it still there.

During our variance meeting a lot of time was spent by Mr. Rodic discussing the structure we want to replace as being a pavilion. We argued that we didn't believe it was intended to be used as that, which in all reality doesn't matter, because based on the under acre rule, we would still have to request a variance if we wanted to modify it no matter what it's called. Also during our meeting we were told that there had been a lot of turnover in the building department over the past years and that Mr. Hall was a great employee, which we didn't deny and I really don't know why it was brought up. It might be because we mentioned the home inspection report in our submission, basically stating that shouldn't the home inspection include zoning issues or non-conformities and we understand that it doesn't but maybe it should so that it would be useful to people. On a conversation with Mr. Hall, he had told me that the inspection only covered maintenance items and not zoning. Because gutters were brought up in regard to the structure we planned, I mentioned also that our home was inspected and although there were not gutter on half the house and either accessory building, nothing was noted. He stated that was because they were older buildings and there was no code then. But regardless of what happened in the past, wouldn't it be wise to include zoning non conformities on the report so people can get full disclosures when they purchase a home? It only took Mr. Hall a few minutes to look up our property on the GIS parcel locator and see the size and structures on the property.

You mentioned that it was a good time to review some of the ordinances because it was Charter Review time, though it may be too late since from what I saw in the meeting later that day, the charter review was complete. In my opinion, the accessory building ordinances need updated, improvement and/or modification in that some are obsolete, some unclear overly broad and subject to interpretation and some serve no useful purpose. In our zoning appeal meeting, it was also brought up by Mr. Rodic that the building department does things based on procedures, which is common, however, procedures need to follow the law and also change when they do not. They should also be useful for people in disclosing things that are known by the experts in the city, but not necessarily by the residents.

In our case, we purchased the property in 2018, after it was split in 2016 by the prior owner and approved by the planning commission. The home was inspected by the city, we hired our own inspection, and we received a disclosure that stated there were no non-conforming uses. The homeowner may have known and lied or not known, either way he should have known because the planning commission had the split reviewed and approved it. The lot split violated the ordinance for accessory buildings because apparently according to the zoning panel, it is under an acre, so he should have had to correct it, either by a variance or by adding a few feet to the property, which did not happen, and now we are stuck with 2 accessory buildings that we basically cannot do anything to if they should need repairs according to the ordinance. We will also be required to disclose it if we sell the property likely resulting in a lower sales price. Just prior to our purchase, my husband was diagnosed with cancer. He was scheduled for surgery and during the surgery they found it was much worse than thought and it was quite a struggle, but thank God he lived. So maybe we would have done some more inquiring had we not been tied up with that, but I don't think that we would have learned anything different about the property if we would have called to inquire about it, we would have assumed the city allowed it so it conformed with the codes. When I tell people about the situation, they are confused as to why the city wouldn't want owners to make updates that improve what is there, and allow for dilapidation and obsolescence of structures.

I bring this all up because it seems to me that the law is not clear, it is also not clear as to why certain exceptions are allowed and others not, and it also seems residents are unaware of all these rules regarding their own properties, which will lead to unknowing buyers in the same situation as us. Why would that happen today with all the information available? I guess people really should get more involved in what goes on in their local government, but for many time is limited and they assume things are being handled by the local government properly and a lot of the areas do not relate to their lives at the time. However, though I do not have a lot of time, with a full time job, an elderly mother, grandkids and life, I plan on attending or watching more meetings and finding ways to get people involved in what's going on. I wonder how much money and time is spent on things like minor residential building issues and also on how much money is lost from people not even getting permits or filing zoning/planning applications because it is so much of a hassle. How much is spent on overseeing all of it? How about court actions, how much is spent on legal work when people are forced to go to court over these kinds of things? I inquired on the property permits for my home and there were none from before we moved in, things were done, why are there no permits for the roofs and the water foundation system put in and disclosed? Why are people and companies allowed to side-step the rules with no penalties, when people that try to do the right thing are penalized? How about using the personnel for people breaking the law and not those trying to follow it? Is it taken into consideration that putting more restrictions on people, will make more work for other charged with trying to track, carry out, and enforce it? Maybe that is why there was turnover in the building department, maybe they were overworked caused by mistakes, misunderstandings, additional stipulations and sheer nonsense by people making the decisions? Does the city admit when it makes a mistake, and is it corrected or is it just left upon the citizens without recourse? In the eight planning applications notes I reviewed briefly, four had obvious mistakes and two others had deed restrictions placed on them. I am not expert, and I had limited information, but they seemed pretty obvious to me. I would think people would rather have their tax dollars spent on things that would be useful to them, like maybe more outdoor recreational activities for kids, or how about trying to get other cable companies to service the area so prices might be reduced through competition, just to name a couple I would like to see.

Please feel free to forward this email or speak to the other council members about my concerns. Also, please forward the legal questions I have to the law department, as I could not find an email address for the law director on the Macedonia website. Please also, let me know how to get my issues resolved without having to take legal action; why do residents have to suffer for mistakes made by the city? I feel that the hearing we had was personal and partial, and we were denied because the panel didn't like that we disagreed with what they said and also that we called out the city's mistake in the property split, which is why it was a pointless waste of time. How can people follow the rules when the ones appointed with overseeing them don't know them, don't follow them, or interpret them differently in situations. When I look at some of the other zoning appeals, it seems it might be similar, in that an oversized garage was allowed for a longtime resident, but a smaller oversized shed was not because the person just moved it. The conditional zoning disapprovals were changed due to disagreement with how the statutes were interpreted and some calls to friends, this is not a fair system. Can you tell me how to get an ordinance changed or just removed, and how new ones are proposed and eventually adopted? I am surely not the only one in the city that thinks there are way too many restrictions on the residents, everyone I talk to agrees, maybe we need to get more out to people here. I think the needs or wants of

residents in the 1980s and 1990s aren't applicable in today's world, funny how prices surely got updated, but how about the rules. Thank you for taking the time to listen to me the other day, and please let me know if you need anything from me to further attempt to resolve these issues to those that might help remedy them.

Respectfully,

Sue Block
845 Ledge Road
440-346-3408

STATE OF OHIO
SUMMIT COUNTY

SS

IN THE MACEDONIA BOARD OF ZONING
AND BUILDING CODE APPEALS
CASES 690-692

JEFFREY AND SUSAN BLOCK
845 LEDGE ROAD
MACEDONIA, OH 44056

Appellant

-vs-

ZONING INSPECTOR OF
THE CITY OF MACEDONIA and
THE CITY OF MACEDONIA
9691 VALLEY VIEW ROAD
MACEDONIA, OH 44056
Appellee

The Board of Zoning Appeals met on Wednesday, April 19, 2023. Board members present were Sam Pilato, Matt Ferraro, and Dick Ioffreda. Zoning Inspector, Chris Hall, and Building Commissioner, Bob Rodic, represented Macedonia. Discussions and voting were all conducted in accordance with the Ohio "Sunshine Law".

Mr. Ioffreda made a motion to approve case minutes 689, Mr. Ferraro seconded, and Mr. Pilato was in favor.

Jeffrey and Susan Block, homeowners, were duly sworn in.

Mr. Hall stated that the board will hear a variance for 845 Ledge Road. The variance is to section 1163.02(h)(2): allowing a maximum of one detached private garage on a lot. The applicants are requesting a variance to have two detached private garages on a lot.

Mr. and Mrs. Block came forward and presented their case to the board. The structure they have in the backyard has no doors and is more like a pavilion, but they use it like a "semi-garage". Mrs. Block brought up some history about the approval of the structure in 2016 at the Planning Commission meeting, and Mr. Pilato said that none of them were there at the time. Mr. Rodic advised that the Planning Commission reviewed the plat only; they did not do a location survey or any of the buildings on it. The surveyor calls the current building a "pavilion" which is a recreational building with no size limit, so it may have been built without a permit. The use of a pavilion is more of an assembly, whereas garages that secure automobiles are different. The pavilion itself is not non-conforming, it's the "use" of the building that's not conforming. There was further discussion between the homeowners and Mr. Rodic about the use of the pavilion before they bought the house.

At approximately 6:48 p.m. Mr. Scott arrived at the meeting. There was further discussion of non-conforming buildings, use certificates, and procedural processes regarding these structures. Discussion ensued about the history of the property, taxes, and the acreage (which is less than one acre). Mr. Pilato stated that the practical difficulty the applicants have expressed is that the pavilion is too low for Mr. Block to pull his truck in, but it doesn't cover any of the other hardship fulfillments. The board expressed that they would like to have the homeowners come back and continue the three cases, but Mrs. Block said she does not want to continue the case; she would rather have them vote now. She read parts of her letter that she submitted with the proposal, and said they have no other practical difficulties.

Mr. Ioffreda made a motion that the variance request concerning case 690 is to be denied, Mr. Ferraro seconded, and all voted aye in favor.

Case 691- Mr. Ferraro made a motion to reject case 691, Mr. Scott seconded, and all voted aye in favor. Mr. and Mrs. Block left the meeting during this time and were not present for the next motion.

Case 692- Mr. Ferraro made a motion to reject case 692, Mr. Ioffreda seconded, and all voted aye in favor.

Rachael Gambatese – Secretary

Sam Pilato- Chairman

DRAFT

Memorandum

TO: Nicholas Molnar, Mayor
and Macedonia Planning Commission

FROM: Brian M. Frantz, AICP

SUBJECT: 845 Ledge Road - Oversized Outbuilding Clarification

DATE: July 5, 2023

I have reviewed an application dated May 17, 2023 in connection with this report and offer the Planning Commission with the following comments for their consideration:

Background

In 2016, the Planning Commission approved a lot split and consolidation plat involving four properties off of Ledge Road. The Beno family owned a 1.9-acre lot (parcel #3300109 – 815 Ledge Road – **currently parcel #3313280**) and the Slanina family owned three lots (parcel #3301857 – 829 Ledge Road; parcel #3300108 – 845 Ledge and parcel #3300107 – 2 vacant acres – **currently parcel #3313279**). The Planning Commission correctly approved the request, and the image to the right represents the approval and the status of the properties as they exist today.

Adjacent to the subject properties is 845 Ledge Road (parcel #3313276), currently owned by Mrs. Sue Block, (herein referred to as the “Applicant”), who requested this matter be discussed with the Commission.

The Applicant acquired 845 Ledge Road (herein referred to as the “Subject Property”) in May 2018 from Beno. The Subject Property is identified by the Summit County Auditor as being .9387 acres but 1.0383 acres inclusive of the right-of-way, which is a conforming lot size in the R-1 Residence District. According to the Auditor, the Subject Property contains a single-family home with an attached garage, as well as a detached garage (size unknown) and a carport/open porch (840 sq.ft.).



Unbeknownst to the City, the Applicant purchased the Subject Property with an interest in having an oversized outbuilding at some point in the future. To be clear, the 2016 application to the Commission related to the lot split and consolidation of properties made by Beno and Slanina. The 2016 request **did not** contemplate a future oversized garage request by current or future owners.

Separate from the above, the City amended the R-1 District regulations in June 2020 (ORD. 40-2020) to clarify the treatment of detached structures insofar as placing a limitation on the number and related size. The Section of the Code (1163.02 i) that provides relief for large lots and unique sites was not changed and larger accessory buildings remained approvable subject to a conditional zoning certificate issued by the Planning Commission. The language of Section 1163.02 (i) is noted in italics below.

(i) Provisions for Large Lots and Unique Sites. Larger accessory buildings pursuant to this section may be approved by the Planning Commission as a Conditional Use according to the procedures, review criteria and public hearing requirements of Sections [1137.04](#), Conditional Zoning Certificates, under the following conditions:

(1) In a rear yard on:

A. Any lot with a minimum of one acre; or

B. Any lot adjacent to unique features such as non-residential zoning, ravines, retention basins or utility easements where a larger accessory building would have no adverse impact on adjacent property, when the Planning Commission finds that there would be no adverse impact on the adjacent property provided that no accessory building pursuant to this section shall be approved when the combined area of all accessory buildings exceeds ten percent (10%) of the rear yard.

(2) In a front or side yard on lots of three acres or more provided the accessory building is a minimum of 150 feet from the street and fifty feet from a side lot line.

In April 2023, the Applicant pursued a variance from the Board of Zoning Appeals (BZA) seeking an additional detached garage on the Subject Property. Ultimately, the Applicant's variance request was denied.

Since that time the Applicant has continued to interact with the Building Department regarding their interests. The crux of the Applicant's position is that the City should have required the Subject Property to be one acre because existing larger detached accessory buildings existed at the time of the Commission approval. Further, the Applicant claims that Ordinance 40-2020 negatively impacted the Subject Property by limiting the number of accessory buildings on lots less than one acre.

The Applicant filed this current application with the Planning Commission with the desire to "correct" the 2016 lot split and consolidation by presumably making the Subject Property larger. Unfortunately, the Commission lacks jurisdiction to act on this request. However, I believe the matter can be resolved in a different manner. I spoke with the Applicant regarding the request and the basic concern is the position that the Subject Property does not contain enough area (one acre) to qualify under Section 1163.02 (i) that permits larger accessory buildings despite the property deed identifying a total area of 1.0383 acres.

Analysis

After reviewing the Planning and Zoning Code, I believe the Subject Property being 1.0383 acres (inclusive of the right-of-way) as identified on the property deed qualifies as a large lot and the “right” for a larger accessory building applies. I derived this outcome by reviewing the lot area definitions within the Code and determined that the available definitions do not make a distinction about what lands count toward the overall acreage. In other words, right-of-way is not exempted from the overall area of a parcel. Therefore, the 1.0383 acres associated in the property deed for the Subject Property qualifies the Applicant to seek conditional zoning approval from the Planning Commission for a larger accessory building pursuant to Section 1163.01 (i) of the Code. I shared this information with the Applicant, and I was told they may or may not proceed with their project but did want my findings to be apart of the official record of the Commission.

On a related note, I did explain to the Applicant that if/when they seek approval for an additional detached accessory building, they likely will need to seek a variance for either the total number of detached buildings on the Subject Property (two currently), or for size of the existing detached structures if they don’t comply with the area limitations set forth in Section 1163.02 (h) of the Code. The Applicant acknowledged the area limitations and I believe understood that some action is necessary should they proceed with their project.

Conclusion

At this time, I do not believe the Commission can or needs to take any action regarding this application. This memorandum defines the Applicant’s right to seek a larger accessory building pursuant to the provisions of Section 1163.02 (i) of the Code because the Subject Property is more than one acre as defined in the property deed.

If you have any questions or need additional information, please feel free to contact me.