

September 16, 2015

ZONING BOARD OF APPEALS MEETING

Present: Timothy Morgan, Chairman
Richard Hegmann
David Pann
Michael Borth, Code Enforcement Officer

The Zoning Board of Appeals met on this date at 7:11 P.M. to hear the applications of:

Richard Cooper for a variance of the side yard and height requirements of Chapter 165 of the Code of the Village of Akron to allow him to build a garage on the property located at 21 Eckerson Avenue.

Chairman Morgan called the Coopers as well as their Contractor, Daryl Kiblin, to the table

The Secretary read the proof of publication and requested the proof of required signatures and notifications of the neighbors within 200 feet of 21 Eckerson Avenue. Signatures were submitted.

Chairman Morgan asked Code Enforcement Officer Borth to explain the Code. He said the Village Code book states that in an R-2 zone the side yard setback is 10' and the height of an accessory building is 12'. Officer Borth did explain that the New York State code for height of an accessory building is 15'. Mr. Cooper explained that he will be removing the old existing structure and replacing with a slightly larger building (20' x 30' x 17') in the same location 5' from the side yard property line. Mr. Cooper explained that they would like to build the garage to stand 17' high to match the roof lines of the

existing house. The new building will be 10' from the house to conform to the Village Code. After a brief discussion the Board agreed to approve the project.

RESOLUTION duly moved by David Pann and seconded by Richard Hegmann to approve the application of Richard Cooper to erect a 20' x 30' garage with a maximum height of 17' and a minimum 5' set back of the side yard property line at the premises located at 21 Eckerson Avenue be and hereby is approved.

Adopted:	Timothy Morgan	- Aye
	David Pann	- Aye
	Richard Hegmann	- Aye

Thomas Dose for a Special Use Permit required under Chapter 165 of the Code of the Village of Akron to allow him to build a garage on the property located at 101 John Street.

Chairman Morgan called Mr. Dose to the table

The Secretary read the proof of publication and requested the proof of required signatures and notifications of the neighbors within 200 feet of 101 John Street. Signatures were submitted.

Chairman Morgan asked Code Enforcement Officer Borth to explain the code. He said the Village Code book states that in an R-2 district the side yard setback is 10' and the height of an accessory building is 12'. Once again, Code Enforcement Officer Borth did explain that the New York State code for height of an accessory building is 15'. Mr. Dose explained that he would like to build a 24' X 24' X 18' pole barn made with steel sides and roof with 2 garage doors, one window and one man door. The color of the building would be blue and white.

Mr. & Mrs. Carlo from 102 John Street came before the Board to state their concern over the height of the barn and the materials to build the barn. Mrs. Carlo stated that they work very hard to keep their property looking nice and felt the steel pole barn would look better in the country and not in a Village setting. She also felt the height of the building should follow the Village code. Mr. Dose stated that they just invested a lot of money to purchase the property and really want it to look nice but noticed that many of the garages in the neighborhood are as tall as or taller than their proposed building.

Discussion was held regarding a softer, homier look to these larger garages that have requested variances so they fit into the small Village setting.

Further discussion was held regarding the height of the building and a compromise between neighbors and Board Members was met to approve a 15' height variance along with the 5' side yard setback to build the pole barn.

RESOLUTION duly moved by Richard Hegmann and seconded by David Pann to approve the application of Thomas Dose to erect a pole barn with a maximum height of 15' and a minimum 5' set back of the side yard property line at the premises located at 101 John Street be and hereby is approved.

Adopted:	Timothy Morgan	- Aye
	David Pann	- Aye
	Richard Hegmann	- Aye

Chairman Morgan called Mr. Jason Cory to the table

The Secretary read the proof of publication and requested the proof of required signatures and notifications of the neighbors within 200 feet of 15 Cedar Street. Signatures were submitted. Code Enforcement Officer Borth stated that he has not received any complaints regarding the outside dining.

Mr. Cory gave the Board an overview of the patio activity from the last three years. He stated he has had no complaints regarding the outside patio and actually has been closing the patio at 10 pm, although he is permitted to remain open until 10:30 pm. He also said that patio business has been struggling due to the new restaurants opening in the surrounding area. He considered not applying for the outside dining permit, but felt since it's the only dining patio in the Village he would continue to keep it open. He also uses the patio entrance as his handicap accessibility. He asked the Board to extend his permit for five years due to the cost of re-applying.

Neighbors Anthony and Mary Jo Schumacher from 10 Cedar Street asked why Mr. Cory's permit is not yearly. Chairman Morgan stated the standard length for a permit is one year and after one year of compliance with the permit conditions the Board can extend the length of the permit. The Schumachers also asked if the Board could change the permit to close the patio at 9:30 due to the noise they still

have an issue with. After more discussion the Board decided to extend the outside dining permit for five years but to close the patio at 10 pm instead of 10:30pm.

RESOLUTION duly moved by David Pann and seconded by Richard Hegmann to approve the application of Jason Cory for the renewal of a Special Use Permit under Chapter 165 of the Code of the Village of Akron to use the premises commonly known as 15 Cedar Street (The Village Inn) with regard to outside dining use facilities be renewed for five years, with the exception that the patio be closed at 10pm be and hereby is approved.

Adopted:	Timothy Morgan	- Aye
	David Pann	- Aye
	Richard Hegmann	- Aye

Chairman Morgan called Kurt Schie to the table

The Secretary read the proof of publication and requested the proof of required signatures and notifications of the neighbors within 200 feet of 42 Jackson Street. Signatures were submitted. Code Enforcement Officer Borth reported no complaints regarding this Special Use Permit.

Kurt Schie came before the Board with an update of his past year doing business under his Special Use permit at 42 Jackson Street. He stated that he is still assembling, storing, and distributing power equipment and the business is growing and has already added an addition to one of the existing pole barns and will be building another pole barn for storage. He also recently added \$5000.00 of landscaping to the property. He asked the Board to extend his permit from one year to five years. Code Enforcement Officer Michael Borth and Zoning Board Members David Pann and Richard Hegmann all commented on how the property is very clean and well maintained. After a short discussion, the Board agreed to approve the application and to extend the permit for five years.

RESOLUTION duly moved by David Pann and seconded by Richard Hegmann to approve the application of Kurt Schie for a Special Use permit to assemble, store, and distribute power equipment and perform office functions on the property known as 42 Jackson Street and to extend the permit for five years be and hereby is approved.

Adopted:	Timothy Morgan	- Aye
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David Pann - Aye
Richard Hegmann - Aye

Chairman Morgan called Chris and Greg Papke from Emprise Group to the table

The Secretary read the proof of publication and requested the proof of required signatures and notifications of the neighbors within 200 feet of 64 John Street. Signatures were submitted. Code Enforcement Officer Borth reported no complaints for this Special Use Permit.

Owner Chris Papke came before the Board to give an overview of the program for the last five years. They continue to have approximately 20 children during the school year ranging from Kindergarteners to age 12. The hours are still the same from 2:30 pm to 6:00 pm Monday – Friday. All NYS permits are up to date and no complaints have been noted. Mrs. Papke asked the Board to consider extending her permit to 7 years.

Residents Ray and Marian Schmigel of 66 John Street appeared to complain about the noise from the Day Care and opposed the extension of the permit. The Manager of the Day Care, Cheryl Esposito, stated that according to State code the program needs to allow the children at least 15 minutes of physical activity at which time they usually play a game around 3:30 pm. She stated the noise may occur for approximately 20 minutes a day.

After a short discussion the Board agreed to extend the permit for six years to expire on September 30, 2021.

RESOLUTION duly moved by Richard Hegmann and seconded by David Pann to approve the renewal application of the Emprise Group for a Special User permit under Chapter 165 of the Code of the Village of Akron to use the premises commonly known as 64 John Street with regard to Child Care Programs for a term of six years to expire on September 30, 2021 be and hereby is approved.

Adopted: Timothy Morgan - Aye
David Pann - Aye
Richard Hegmann - Aye

On motion of Richard Hegmann and seconded by David Pann at 8:36 P.M. this meeting was ADJOURNED.